

AMENDMENT NO. 7

TO

ORDINANCE NO. 086-1131

Mr. President:

I move to amend Ordinance No. 086-1131 by amending the map which designates parcels for acquisition by negotiation or condemnation by deleting Parcels No. 93-6-4-34, 93-6-4-35, and 93-6-4-101 from said map.

INTRODUCED BY:

Eudye N. Wallace
Member of Council

ADOPTED: MAR 18 1986

AMENDMENT NO. 6

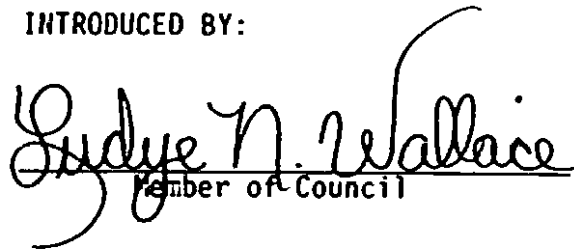
TO

ORDINANCE NO. 086-1131

Mr. President:

I move to amend Ordinance No. 086-1131 by amending the map which designates parcels for acquisition by negotiation or condemnation by deleting Parcels No. 93-6-4-86, 93-6-4-92, and 93-6-4-93 from said map.

INTRODUCED BY:


Member of Council

ADOPTED: MAR 18 1986

AMENDMENT NO. 5

TO

ORDINANCE NO. 086-1131

Mr. President:

I move to amend Ordinance No. 086-1131 by amending the map which designates parcels for acquisition by negotiation or condemnation by deleting parcels No. 93-6-2-97, No. 93-6-2-98, and No. 93-6-2-99 from said map.

INTRODUCED BY:

/s/ Ludy Wallace
Member of Council

ADOPTED: MAR 4 1986

AMENDMENT NO. 4

TO

ORDINANCE NO. 086-1131

Mr. President:

I move to amend Ordinance No. 086-1131 by amending the map which designates parcels for acquisition by negotiation or condemnation by deleting parcels No. 93-10-415 and No. 93-10-416 from said map.

INTRODUCED BY:

/s/ Ludy Wallace
Member of Council

ADOPTED: MAR 4 1986

AMENDMENT NO. 3

TO

ORDINANCE NO. 086-1131

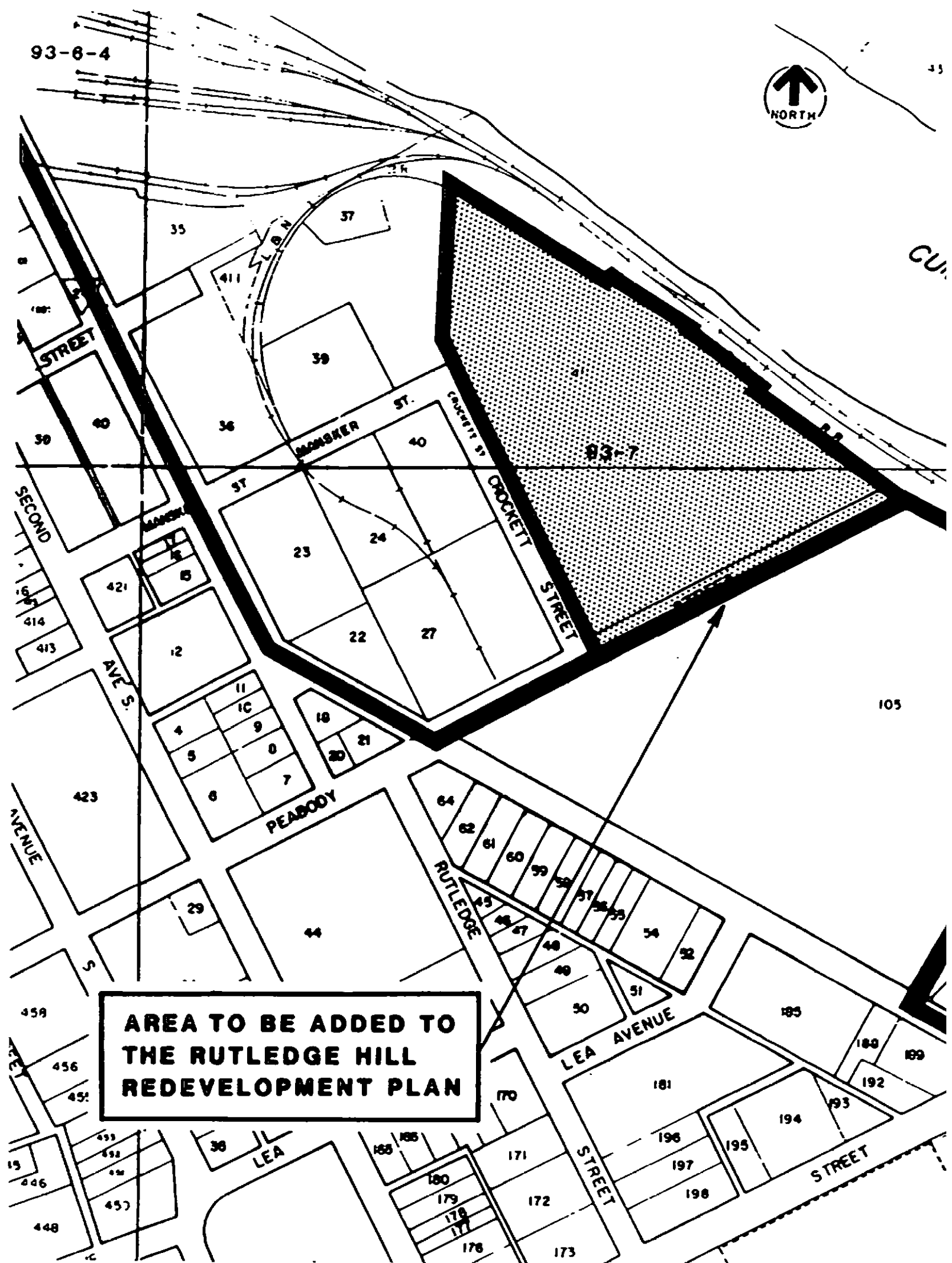
Mr. President:

I move to amend Ordinance No. 086-1131 by amending the map which designates parcels for acquisition by negotiation or condemnation by deleting parcels No. 93-6-4-22 and No. 93-6-4-23 from said map.

INTRODUCED BY:

/s/ Ludy Wallace
Member of Council

ADOPTED: MAR 4 1986





AMENDMENT NO. 2
TO ORDINANCE 86-1131

Mr. President,

I move to amend Ordinance No. 86-1131 by expanding the boundaries of the Rutledge Hill Redevelopment Plan to include property in use by the Metropolitan Transit Authority as indicated on the map attached hereto, the additional area to be depicted on R. P. Map No. 1 as "Block A19," on R. P. Map No. 2 as "Mixed Use," and R. P. Map No. 3 as "Land Proposed for Acquisition"; and further move to substitute for Exhibit A of the Redevelopment Plan the revised Legal Description attached hereto.

INTRODUCED BY:



Members of Council

ADOPTED: MAR 4 1986

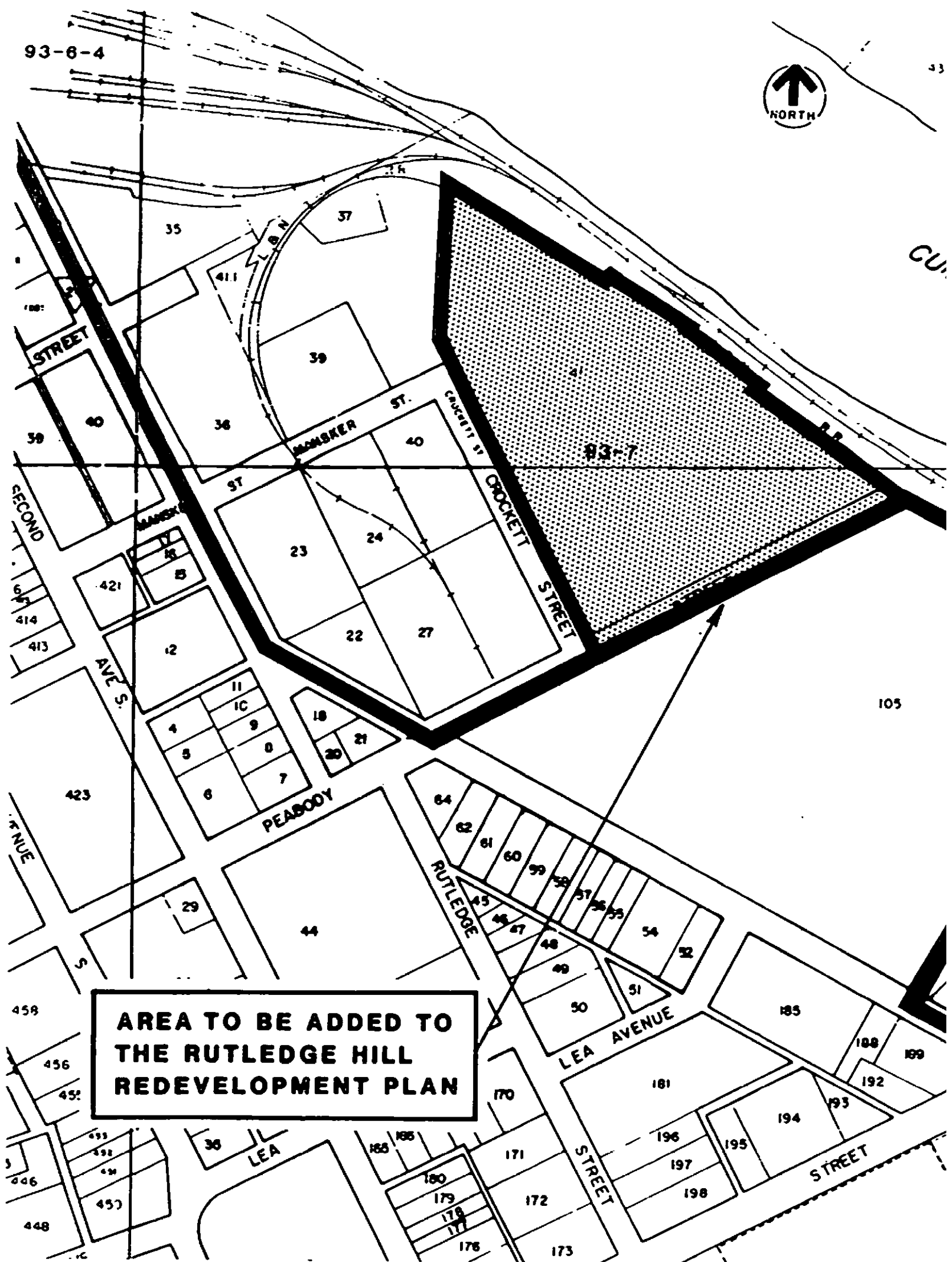


EXHIBIT A

Legal Description

Being a tract of land in Nashville-Davidson County, Tennessee as shown on Project Boundary Map No. 1 and generally described as follows:

Beginning at a point in the northerly margin of Interstate Highway I-40, 65 with its intersection with the easterly margin of Second Avenue, South extending to the centerline of Second Avenue, South;

Thence, with the centerline of Second Avenue, South in a northerly direction to the intersection of Elm Street;

Thence, leaving the centerline of Second Avenue, South in a westerly direction with the centerline of Elm Street to the intersection of Fourth Avenue, South;

Thence, leaving the centerline of Elm Street in a northerly direction with the centerline of Fourth Avenue, South to the intersection of an alley;

Thence, leaving the centerline of Fourth Avenue, South in a westerly direction with the northern margin of said alley, also being the southern property line of Parcels 10, 9, 8, 7, 6 on Metro Property Map 93-6-4 and Parcel 111 on Metro Property Map 93-6-3, to the southeast corner of Parcel 113 on Metro Property Map 93-6-3;

Thence, leaving the northern margin of said alley in a northerly direction with the easterly property line of Parcel 113 on Metro Property Map 93-6-3 to the northeast property corner;

Thence, with the northerly property line of said parcel in a westerly direction passing through the easterly margin of Fifth Avenue, South; also being the northwest corner of said parcel, extending to the centerline of Fifth Avenue, South;

Thence, in a northerly direction with the centerline of Fifth Avenue, South (referred to as Opry Place on the north side of Broadway) passing through the intersection of Broadway to a point perpendicular to the northwest corner of Parcel 172 on Metro Property Map 93-6-3;

Thence, leaving said centerline in an easterly direction with the northerly property lines of Parcels 72, 73, 74, 75, 76, 77, 78, 79, and 80 on Metro Property Map 93-6-3 to a point; also being the northeast corner of said Parcel 80;

Thence, in a southerly direction with the easterly property line of said Parcel 80 to a point being the northwesterly corner of Parcel 81 on said property map;

Thence, in an easterly direction with the northern property line of Parcel 81 and Parcel 82 on said property map to a point on the centerline of Fourth Avenue, North;

Thence, with the centerline of Fourth Avenue, North to a point perpendicular to the southwest corner of Parcel 11 on Metro Property Map 93-6-2;

Thence, leaving said centerline in an easterly direction with the southerly property line of Parcels 11 and 24 on Metro Property Map 93-6-2 to a point on the centerline of Third Avenue, North;

Thence, with said centerline in a southerly direction to a point perpendicular to the northerly property line of Parcels 41, 42, 43 and 44 on Metro Property Map 93-6-2;

Thence, leaving said centerline in an easterly direction with the northerly property line of Parcels 41, 42, 43, and 44 on said map to a point in the centerline of Second Avenue, North;

Thence, with said centerline in a southerly direction to the intersection of the centerline of Broadway;

Thence, with an easterly direction with the centerline of Broadway to the intersection of the centerline of First Avenue, South;

Thence, in a southerly direction with the centerline of First Avenue, South (also referred to as Hermitage Avenue southeast of Peabody Street) to the centerline of Peabody Street;

Thence, leaving the said centerline in an easterly direction with the centerline of Peabody Street to a point being perpendicular with the northern margin of Crockett Street;

Thence, leaving said centerline and with said margin North 32° 05' West 563.33 feet to a point;

Thence, leaving said margin North 5° 27' West 286.15 feet to a point;

Thence, South 89° 05' East 11.01 feet to a point lying on the westerly right of way of the Seaboard System Railroad (L & N);

Thence, with said right of way South 64° 20' East 126.00 feet to a point;

Thence, South 60° 35' East 183.00 feet to a point;

Thence, South 59° 46' East 334.00 feet to a point;

Thence, South 57° 55' West 16.80 feet to a point;

Thence, South 59° 30' East 52.2 feet to a point;

Thence, South 60° 55' East 118.0 feet to a point;

Thence, South 62° 41' East 116.50 feet to a point on said railroad right of way with its intersection with the northerly margin of Peabody Street;

Thence, with said railroad right of way in a southerly direction to a point being the northeast corner of Parcel 106 on Metro Property Map 93-11, also known as General Hospital property;

Thence, leaving said railroad right of way in a southwesterly direction with the northerly property line of said Parcel 106 and Parcel 85 on said map to the centerline of Hermitage Avenue;

Thence, in a southerly direction with the centerline of Hermitage Avenue to its intersection with northerly margin of Interstate Highway I-40, 65;

Thence, in a westerly direction with the northerly margin of Interstate Highway I-40, 65 to the easterly margin of Second Avenue, South, also being the point of beginning.

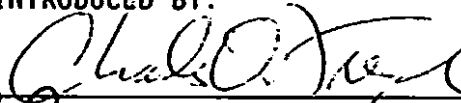
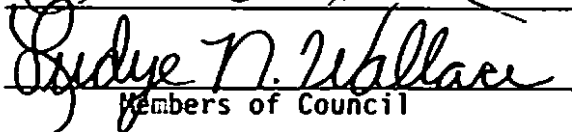
AMENDMENT NO. 1
TO ORDINANCE 86-1131

Mr. President:

I move to amend Ordinance No. 86-1131 by making certain corrections to wording in the Rutledge Hill Redevelopment Plan dated January 28, 1986, as follows:

- 1) Page 3, Section B.1., the term "Project Broadway Map" is deleted and the term "Project Boundary Map" is substituted in its place;
- 2) Page 7, Section C.2., the term "part a.(9)" is deleted and the term "part b.(9)" is substituted in its place;
- 3) Page 19, Section C.2.b.(10), the final sentence is corrected to read..."These requirements are in addition to and do not supercede zoning or other regulations pertaining to loading areas";
- 4) Page 21, Section D.2., the term "R.P. Map No. 2," is deleted and the term "R.P. Map No. 3" is substituted in its place; and
- 5) Page 24, Section G, the word "permanent" is deleted and the word "permanently" is substituted in its place.

INTRODUCED BY:



Members of Council

ADOPTED: MAR 4 1986

ORDINANCE NO. 086-1131

AN ORDINANCE APPROVING AN AMENDMENT TO
THE RUTLEDGE HILL REDEVELOPMENT PLAN

WHEREAS, by Ordinance No. 80-133, as amended, the Metropolitan Council of the Metropolitan Government of Nashville and Davidson County, Tennessee approved and authorized the undertaking of a redevelopment plan entitled "Rutledge Hill;" and

WHEREAS, the Metropolitan Development and Housing Agency has completed plans for an amendment to the redevelopment plan for Rutledge Hill (herein referred to as the "Plan") consisting of a substitute text, Exhibits "A" and "B" attached thereto, and related maps, R. P. Maps No. 1 through 3, all dated January 28, 1986, 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 studied and determined that the area 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, are detrimental to the safety, health, morals, or welfare of the community, and should be eliminated in the public interest, and the members of the 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, Article II, Section 28, of the Constitution of Tennessee: The Housing Authorities Law, Chapters 20 and 45, Public Acts of Tennessee 1935 (1st Ex. Session), as amended; Chapter 114 of Public Acts of Tennessee of 1945, as amended; Chapter 181 of Public Acts of 1955, said statutes now codified in Sections 13-20-201 through 13-20-215, Tennessee Code Annotated; and

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

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

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

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

NOW, THEREFORE, BE IT AUTHORIZED, APPROVED AND ORDAINED BY THE METROPOLITAN COUNCIL OF NASHVILLE AND DAVIDSON COUNTY, TENNESSEE:

SECTION 1. That it is hereby found and determined that the redevelopment area defined by the Plan entitled "Rutledge Hill Redevelopment Plan," dated January 28, 1986, is a blighted area as defined in Section 13-20-201, Tennessee Code Annotated and qualifies as an eligible project under provisions of Sections 13-20-201 through 13-20-215, Tennessee Code Annotated; that such declarations of blight previously made by the Governing Body for portions of the area encompassed in the Plan by Ordinance No 80-133 and Resolution No. 74-1159 are hereby reaffirmed; that conditions existing in the Plan area 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 blight and slum conditions eliminated.

SECTION 2. That the Plan entitled "Rutledge Hill Redevelopment Plan", consisting of a plan text, Exhibits "A" and "B" attached thereto, and related maps, R. P. Maps 1 through 3 all dated January 28, 1986, is hereby in all respects approved and substitutes and replaces in its entirety the text and R. P. Maps No. 1 through 4, all dated January, 1980 as previously adopted by Ordinance No. 80-133, as amended.

SECTION 3. That it is hereby found and determined that the Plan for the project area conforms to the General Plan for Nashville 1980-2000.

SECTION 4. That the use of tax increment financing 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 the 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 and associated maps and exhibits referred to herein as a part of the minutes of this meeting.

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


APPROVED By Metropolitan Planning
Commission

Director and Secretary, MPC

APPROVED:

Director of Finance
Metropolitan Government of Nashville
and Davidson County

APPROVED BY Metropolitan Development
and Housing Agency



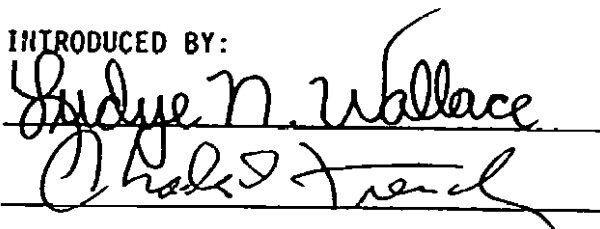
Executive Director

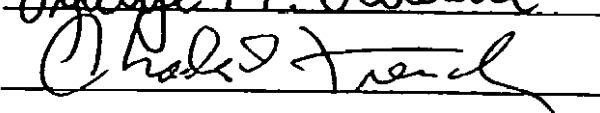
APPROVED AS TO FORM AND LEGALITY:



Metropolitan Attorney

INTRODUCED BY:





Members of Council

METROPOLITAN DEVELOPMENT AND HOUSING AGENCY
NASHVILLE AND DAVIDSON COUNTY,
TENNESSEE

RUTLEDGE HILL
REDEVELOPMENT PLAN

JANUARY 28, 1986

RUTLEDGE HILL
REDEVELOPMENT PLAN

PREFACE

This Redevelopment Plan is an amendment to the Rutledge Hill Redevelopment Area Plan dated January 20, 1980 (adopted by Ordinance 80-133). The Rutledge Hill 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 Ex. 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 13-20-215 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.

JANUARY 28, 1986

A. TABLE OF CONTENTS

This Redevelopment Plan dated January 28, 1986, consists of, and only of, the following Text, Exhibits and Maps:

I. Text

SUBJECT

PREFACE.....	1
A. TABLE OF CONTENTS.....	2
B. DESCRIPTION OF PROJECT AREA.....	3
1. Boundaries of the Project Area.....	3
2. Redevelopment Plan Objectives.....	4
3. Proposed Redevelopment Actions	5
C. LAND USE PLAN.....	6
1. Land Use Map	6
2. Land Use Provisions and Building Requirements.....	6
a. Permitted Uses	7
b. General Regulations and Controls	12
c. Duration of Land Use Controls	19
D. LAND ACQUISITION.....	20
E. PUBLIC IMPROVEMENTS	21
F. OBLIGATIONS OF THE REDEVELOPER	22
G. RELOCATION ASSISTANCE	24
H. TAX INCREMENT	24
I. PROCEDURE FOR CHANGE IN THE APPROVED PLAN.....	25

II. MAPS

Redevelopment Plan Map No. 1, Project Boundary Map, January 28, 1986
Redevelopment Plan Map No. 2, Land Use Plan, January 28, 1986
Redevelopment Plan Map No. 3, Proposed Land Acquisition, January 28, 1986

III. EXHIBITS

Exhibit "A", Boundary Description
Exhibit "B", Existing Conditions

B. DESCRIPTION OF PROJECT AREA

The general physical condition of Rutledge Hill is deteriorated and blighted, with commercial uses intermingled with residential. The area has been recognized as one of the more distinctive historic districts in Nashville. Approximately one-third of the structures in the area are architecturally or historically significant. This stock of notable structures coupled with a generous supply of vacant or underutilized land creates the possibility for a distinctive urban infill and redevelopment area.

A redevelopment plan was initially adopted for Rutledge Hill in 1980. The intent of the plan was to promote the redevelopment and conservation of the area as a mixed residential and commercial community close to the center city. By 1984, the first major new residential development was completed and sold, demonstrating the market for moderate income housing close to downtown. Additional residential and office developments are planned by private investors.

The Nashville Center City Plan, completed in 1985, made recommendations for a large area of the inner city, including both Rutledge Hill and the Central Business District. Strengthening the connection between Rutledge Hill and downtown was identified as a high priority. In order to accomplish this, the existing Rutledge Hill Plan Area is being enlarged to extend north to Broadway. At the same time, the text of the Plan is being substituted to recognize the expanded purpose of the area and to accommodate changes since the first plan was adopted in 1980.

1. BOUNDARIES OF THE PROJECT AREA

The boundaries of the Project Area are shown on Redevelopment Plan (R.P.) Map No. 1, "Project Broadway 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 attractive mixed commercial and residential areas.
- b. To provide for redevelopment of the Project Area, wherein 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 create a mixed living and working environment close to and connected with the central business district.
- d. To promote development of an "Arts District" envisioned as a combination of new and rehabilitated spaces providing a living/working environment for the arts community, an attractive element for tourism, and a source of vitality for the downtown area.
- e. To provide safe, convenient, and visually attractive pedestrian walkways for residents of the area in passing between their homes and commercial areas, downtown, and places of regular assembly. An interconnected system of pedestrian ways will incorporate sidewalks, alleyways, and through-building linkages.
- f. To encourage a continuing program for the rehabilitation and reuse of older structures where compatible with the Land Use Plan.
- g. 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.

- h. To encourage and implement the construction housing for all income levels.
- i. To establish standards and goals for the redevelopment and continued use of the area which will provide flexibility to the individual developer, yet assure adequate light, air, open-space, off-street parking, and the future stability of the entire area.
- j. To develop the area under the Shelby Bridge into a pedestrian linkage and activity area connecting Riverfront Park and the Arts District.
- k. To provide sites for service and retail facilities serving residences. To provide for adequate parking to serve the needs of the area.
- l. To eliminate and prevent the recurrence of blight.
- m. To eliminate vacant lots by monitoring development and effective utilization of land.

3. PROPOSED REDEVELOPMENT ACTIONS

The ultimate objective of the Land Use Plan is to create an environment conducive to development of a mixed residential and commercial neighborhood adjacent to and supportive of the Central Business District. The various proposals of the Plan have been adopted to remove the conditions which have created or contributed to the substandard character of improvements 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 the 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 various alleys and streets and relocation of utilities within the Project Area.
 - d. Execution of agreements with developers to undertake redevelopment of property in accordance with the Land Use Plan.
 - e. To provide for and construct improved streets, alleys public facilities, open spaces, and pedestrian ways.

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. 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 must be approved by a design review committee designated by the Executive Director of MDHA. The design review committee will be involved in the determination of appropriate uses, design, color, setbacks, landscaping, parking, ingress and egress and other restrictions in accordance with this section. The committee should include representatives of State or local government historic agencies, as appropriate, where historic conservation issues are involved. Other development reviews provided for on properties not designated for acquisition may be routinely handled by the MDHA with consultation of the Metropolitan Historical Commission staff in the implementation of part a.(9) of 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) General Residential

Intent: To provide sites for predominately residential development.

Uses: Dwellings for any number of families or housekeeping units under individual, cooperative, or condominium ownership

Churches and places of worship

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

Public parks, plazas, and playgrounds

Utility Stations and facilities when necessary to serve the immediate neighborhood

Police, fire stations and other essential services

Colleges and universities and related
facilities

Accessory uses customarily incident to
any of the above

Conditional Uses: Any use otherwise permitted in a Mixed Use District, except conditional uses in such districts, may be permitted in a General Residential District if it is determined that it is so designed, located, and proposed to be operated such that the public health, safety and welfare will be protected; it will not adversely affect other property in the area; and any such use or uses cover no more than one third of the floor area of a comprehensive development plan approved for a tract of .75 acre or more.

(2) Public

Intent: To provide for schools, parks, public recreation, open spaces, and facilities for the conduct of government.

Uses: Any facility or land to be owned and maintained by a governmental body for the benefit of the Project Area or the community at large.

Alternate Use: In the event that any public areas designated on the Land Use Plan shall be declared surplus and sold by the Metropolitan government, the alternate use for such areas shall be Mixed Use.

(3) General Business

Intent: Areas are provided for convenience shopping for both goods and services in support of adjoining residential areas as well as for commercial facilities offering

services or products to passing motorists or the central business district and limited types of manufacturing and wholesaling which have no objectionable characteristics.

Uses: Churches and places of Worship

Public and Private Schools and day
care centers meeting all State and
local permit and zoning
requirements

Banks and Financial Institutions

Clinics

Funeral Homes

Indoor private recreation facilities

Convenience retail and services

Lodges and clubs

Offices - business, governmental,
professional, medical, etc.

Colleges, universities, business
schools, and related facilities

Restaurants and other eating or
drinking establishments

Public utility stations and facilities

Hotels, motels, or other habitation
for transient use

Limited manufacturing and processing
not requiring outdoor storage, nor
generating exterior noises, dust or
offensive odors

Public, Private or non-profit
cultural, theater or assembly
facilities

Sales and Servicing of automobiles,
farm implements and other equipment.

Wholesaling and warehousing

Automotive Parking

Accessory uses customarily incident to any
of the above.

Conditional Uses: The following uses
may be permitted in a General Business District if
it is determined that they are so designed,
located, and proposed to be operated such that the
public health, safety, and welfare will be
protected and they will not adversely affect or be
so affected by other property in the area:

Trucking services and private or utility
truck yards

Permanent dwellings for any numbers of
families.

(4) Mixed Use and Mixed Use - Broadway Historic
District

Intent: These districts are designed to provide
adequate and suitable space in appropriate
locations for high intensity residential uses
mixed with a wide range of compatible
non-residential uses. Living areas are integrated
with working and shopping areas to encourage the
reduction of travel needs and parking
requirements. Strong pedestrian linkages are
encouraged. The preservation of existing
buildings that contribute to the historical or
architectural character of these districts is also
encouraged.

Uses:

Any use permitted in a General
Residential Area
Banks and financial institutions
Hotels, motels, or other
habitation for transient use
Offices-business, governmental,
professional, medical, etc.

Retail sales and Services

Restaurants and other eating or

drinking establishments, but not drive-in

or drive-through facilities

Funeral homes

Indoor private recreation

facilities

Lodges and clubs

Public, private or non-profit

cultural, theater or assembly

facilities.

Accessory uses customarily

incident to any of the above.

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

Group Care or Nursing Home

Clinics or Health Care

Day Care for Children

Automotive Parking

Transport and Warehousing

Wholesale Sales

Limited Manufacturing

(5) Mixed-Use - Arts District

Intent: This area is a special cultural district to be developed to assist the arts industry and to facilitate revitalization south of Broadway. It will encompass a combination of new and rehabilitated spaces which will provide a living/working environment for the arts community and an attractive element for tourism.

Uses:

Any use permitted in a General Residential
Area

Public, private or non-profit cultural,
theater or assembly facilities

Offices - business, governmental,
professional, medical, arts, etc.

Convenience and general Retail Sales
and Service

Restaurants and other eating or drinking
establishments, but not drive-in or
drive through facilities

Graphic or other art production
facilities or studios

Indoor private recreation facilities.

Automotive Parking

b. General Regulations and Controls

In order to achieve the objectives of the Rutledge
Hill 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.

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.
Development shall conform to the approved site plan.

(2) Landscape Treatment

Those portions of lots or parcels of land which are not built upon with buildings and structures, or are not paved for parking or pedestrianways shall be planted in accordance with a landscape planting plan and shall be maintained in accordance with this 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.

(3) Exterior Design

All of the exposed sides of a building, (i.e. any building wall not abutting another) shall be treated architecturally with finish materials in character with the main facade of the building. 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. Design plans shall be submitted to MDHA which will review and approve them with respect to general design and materials affecting exterior appearances. Facade guidelines of the Market and Design Study for Broadway will be the basis for design review on parcels in the Broadway Historic District.

(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 (which said, plans, specifications, and location plans shall include all signs, loading docks, parking facilities, and landscaping to be placed on the property or proposed to be placed thereon), have been approved in writing by MDHA, its successors, 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. This section shall not be construed to exclude the outdoor display of goods or chattels for sale or rent in an establishment having activities that occur principally within a building. No storage of any other articles, goods, or materials shall be permitted outside any building on the property developed after the adoption of this Plan unless approved in writing by MDHA, its successors, or assigns, who shall have the right, as a condition to any such approval, to impose such limitations and

requirements as it may deem to be in the interests of the area; and any such approval may be revoked if at any time such limitations or requirements are not complied with.

(6) Off-Street Parking

The entrances and exits of all required or permitted accessory off-street parking facilities with ten (10) or more spaces shall be located not less than fifty (50) feet from the intersection of any two (2) street lines. However, access less than fifty (50) feet of such intersection may be permitted if such a location is not hazardous to traffic safety and not likely to create traffic congestion. All off-street 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 and 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 (e.g. garden apartments, etc.) office buildings, nursing homes, nurseries, 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 18 square feet each in size and, if illuminated, shall be indirectly illuminated only.
- Signs for office buildings and for commercial uses in residential buildings which are attached to or are part of the building shall be limited to those identifying the occupant, business or the principal activities being conducted on the premises.
- Temporary signs, such as "for sale, rent or lease" shall not exceed 3 square feet in size for residences of less than 5 dwelling units. For residences of 5 or more units or for a project of more than one building, such signs shall not exceed 24 square feet and an additional sign of the same maximum size shall be permitted on each street on which the project has frontage of more than 150 feet. 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 and not yet sold for development, MDHA may establish such interim uses as it deems desirable in the public interest consistent with local zoning and codes requirements. In cases where MDHA makes a finding that uses specified in the Plan are infeasible and not likely to be feasible based on market factors, the MDHA Board may designate an alternate use for any parcel or block designated for a particular use on R.P. Map No. 2, "Land Use Plan."

- (9) Historic Compatibility: Additional guidelines for new developments or additions to the floor area of buildings shall apply to properties designated by the Metropolitan Historical Commission as eligible for listing on the National Register or in portions of the Project Area where the Metropolitan Historical Commission determines that such building activities may affect eligible properties. Any new structures should not imitate past architectural styles, but their design must be compatible with the earlier buildings in materials, size, scale, proportion, orientation, color, and texture. Contemporary design must be compatible with character and mood of the historic buildings or district.

- (a) Building height: Except as provided in this section, the maximum height of buildings shall be as prescribed by other applicable codes and ordinances of the Metropolitan Government of Nashville and Davidson County. For developments which adjoin side lot lines of properties with

historically significant buildings, maximum building height shall be limited to the greater of the following:

- 35 feet
- The height of the tallest historically significant building on an adjoining lot, if greater than 35 feet.
- Equal to $d \div 25$ feet where d equals the horizontal distance (in feet) between the proposed building and the historically significant structure on the adjoining parcel, with said distance being measured perpendicular to the side lot line common to the adjoining parcels.

(b) Building placement and orientation:

Except as provided in this section, the front and side yard setbacks of buildings shall be as prescribed by other applicable codes and ordinances of Nashville and Davidson County. For new developments or building additions on block faces containing two or more properties with historically significant buildings, the minimum setback for any street shall be the greater of either the average setback of the historic buildings on the block face or any other minimum setback provided for in the applicable Metropolitan zoning regulations. The placement of each new building or building addition should also respect established side yard setbacks on blocks with historic properties. As part of its site plan review, the MDHA may require side yard setbacks in excess of those

elsewhere prescribed and designate the orientation of buildings on lots if it finds such requirements necessary to maintain the visual rhythm of the streetscape adjacent to historic properties.

(10) 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 residences of less than five dwelling units. A service area shall provide space for parking at 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 supercede zoning of 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 to be in effect until December 31, 2010.

D. LAND 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 Rutledge Hill; to provide for the replatting of land and the adjustment of streets, alleys and pedestrian ways; 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 or private redevelopment proposals are received.

1. 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 use by MDHA will not adversely affect the use and/or disposition of adjoining parcels acquired or to be acquired; 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 to 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. Existing owners of proposed acquisition parcels that wish to develop their assembled property in accordance with the Land Use Plan may request that MDHA designate them as developers for their tracts.

2. CONDITIONS BY WHICH LAND NOT SCHEDULED FOR ACQUISITION MAY BE ACQUIRED

In order to achieve the objectives of this 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. 2, "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; or to acquire vacants lots where properties have been vacant and unused for a period of five or more years and these same parcels are not contiguous to and under the same ownership as a property in productive use.

E. PUBLIC IMPROVEMENTS

In the acquisition of land for redevelopment and in the general implementation of the plan for the Project Area, the MDHA will:

- 1) Facilitate the development of an interconnected system of pedestrian walkways, especially along Printer's Alley extended to Broadway and the Third Avenue corridor from Broadway south to Rutledge Hill;

- 2) Provide for the dedication and development of a network of amenity spaces and connectors, especially the use Sparkman Street under the Shelby Bridge as an open space connector;
- 3) Enhance access to the area by requiring setbacks on developments to permit future street widenings, realigning streets at intersections and improving turning radii, and encouraging expansion of transit authority RUSH zone service to the Project Area;
- 4) Upgrade the character of the streetscape, especially on Second and Third Avenues South; and
- 5) Study and recommend the closure or realignment of streets as indicated by the Center City Plan.

F. OBLIGATIONS OF THE REDEVELOPER

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 that are not approved by MDHA as being in conformity with this Plan, or as it may be changed or amended; and
- 4) Not reassign contract rights, or to not 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 not to speculate in or with respect to such land.

G. RELOCATION ASSISTANCE

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

H. TAX INCREMENT

Through 1985, the Rutledge Hill Redevelopment Project has been funded through the Community Development Block Grant Program. Expenditures during this period included approximately \$200,000 for public improvements and \$230,000 for land acquisition. Land acquisition costs were subsequently recovered through resale of project land. Tax increment funding provisions were incorporated in the Plan when it was adopted in 1980. Procedural steps were not taken to legally implement the tax increment mechanism, allowing the full tax increment from the Academy Square development to be paid to the Metropolitan Government. From the date of the amendment adopting the present plan as a substitute, tax increment from new eligible projects shall be used to retire bonds, loans, or other indebtedness incurred on behalf of the project.

The projected net increase in the value of property developed in conjunction with this plan on land leased or sold by MDHA is \$25 million. The annual increase of about \$400,000 in property taxes so generated is unlikely to occur within the Project Area without the intervention of MDHA. Therefore, the Metropolitan Government, as the taxing agency within the Project Area, will not be negatively impacted by a tax increment financing provision.

Total project costs from 1985 forward are estimated at \$2.5 million for public improvements; park, pedestrian, and open space improvements; and land acquisition which are to be financed from the tax increment. The total amount of bonded or other indebtedness to be incurred may not exceed \$2.5 million with a final maturity 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; relocation; site clearance; streets, pedestrianways, utilities, and public open spaces constructed in the Project Area or necessary to serve the Project Area; and land acquisition.

I. 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 use 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.

EXHIBIT A

Legal Description

Being a tract of land in Nashville-Davidson County, Tennessee as shown on Project Boundary Map No. 1 and generally described as follows:

Beginning at a point in the northerly margin of Interstate Highway I-40,65 with its intersection with the easterly margin of Second Avenue South, extending to the centerline of Second Avenue, South;

Thence, with the centerline of Second Avenue, South in a northerly direction to the intersection of Elm Street;

Thence, leaving the centerline of Second Avenue, South in a westerly direction with the centerline of Elm Street to the intersection of Fourth Avenue, South;

Thence, leaving the centerline of Elm Street in a northerly direction with the centerline of Fourth Avenue, South to the intersection of an alley;

Thence, leaving the centerline of Fourth Avenue, South in a westerly direction with the northern margin of said alley, also being the southern property line of Parcels 10, 9, 8, 7, 6 on Metro Property Map 93-6-4 and Parcel 111 on Metro Property Map 93-6-3, to the southeast corner of Parcel 113 on Metro Property Map 93-6-3;

Thence, leaving the northern margin of said alley in a northerly direction with the easterly property line of Parcel 113 on Metro Property Map 93-6-3 to the northeast property corner;

Thence, with the northerly property line of said parcel in a westerly direction passing through the easterly margin of Fifth Avenue, South; also being the northwest corner of said parcel, extending to the centerline of Fifth Avenue, South;

Thence, in a northerly direction with the centerline of Fifth Avenue, South (referred to as Opry Place on the north side of Broadway) passing through the intersection of Broadway to a point perpendicular to the northwest corner of Parcel 172 on Metro Property Map 93-6-3;

Thence leaving said centerline in an easterly direction with the northerly property lines of Parcels 72, 73, 74, 75, 76, 77, 78 79, and 80 on Metro Property Map 93-6-3 to a point; also being the northeast corner of said Parcel 80;

Thence, in a southerly direction with the easterly property line of said Parcel 80 to a point being the northwesterly corner of Parcel 81 on said property map;

Thence, in an easterly direction with the northern property line of Parcel 81 and Parcel 82 on said property map to a point on the centerline of Fourth Avenue, North;

Thence, with the centerline of Fourth Avenue, North to a point perpendicular to the southwest corner of Parcel 11 on Metro Property Map 93-6-2;

Thence, leaving said centerline in an easterly direction with the southerly property line of Parcels 11 and 24 on Metro Property Map 93-6-2 to a point on the centerline of Third Avenue, North;

Thence, with said centerline in a southerly direction to a point perpendicular to the northerly property line of Parcels 41, 42, 43 and 44 on Metro Map 93-6-2;

Thence, leaving said centerline in an easterly direction with the northerly property line of Parcels 41, 42, 43 and 44 on said map to a point in the centerline of Second Avenue, North;

Thence, with said centerline in a southerly direction to the intersection of the centerline of Broadway;

Thence, with an easterly direction with the centerline of Broadway to the intersection of the centerline of First Avenue, South;

Thence, in a southerly direction with the centerline of First Avenue, South (also referred to as Hermitage Avenue southeast of Peabody Street) to the centerline of Peabody Street;

Thence, leaving the said centerline in an easterly direction with the centerline of Peabody Street to its terminus with the westerly right of way of the Seaboard Systems Railroad (L & N);

Thence, with said railroad right of way in a southerly direction to a point being the northeast corner of Parcel 106 on Metro Property Map 93-11, also known as General Hospital property;

Thence, leaving said railroad right of way in a southwesterly direction with the northerly property line of said Parcel 106 and Parcel 85 on said map to the centerline of Hermitage Avenue;

Thence, in a southerly direction with the centerline of Hermitage Avenue to its intersection with northerly margin of Interstate Highway I-40,65;

Thence, in a westerly direction with the northerly margin of Interstate Highway I-40,65 to the easterly margin of Second Avenue, South, also being the point of beginning.

EXHIBIT B

Existing Conditions

The map identified as Exhibit B, "Existing Conditions," documents existing land use and building conditions in the expanded Rutledge Hill area. As a basis for a determination of blight, "Table One," in the original plan for the Rutledge Hill Redevelopment Area dated January 21, 1980 and adopted by Ordinance 80-133 of the Metropolitan Council, summarized building conditions in the plan area and were further documented in Map 2A, "Structural Condition," attached to said plan. Building conditions for the original plan area bounded roughly by Franklin Street and I-40 on the north and south and 4th Avenue South and Hermitage Avenue on the west and east, are not depicted on Exhibit B to the current Plan, but reference is made to the original data incorporated in the plan as adopted by Ordinance 80-133.

With the exception of public properties east of Hermitage Avenue, building conditions within the area being added to the Rutledge Hill Redevelopment project are depicted on Exhibit B. Building conditions were determined from exterior surveys conducted between May and December, 1985. Several buildings have burned or been demolished since the surveys were taken. The survey noted conditions of 128 buildings in the area as follows:

1. Sound	11%
2. Minor Deterioration	61%
3. Major Deterioration	25%
4. Dilapidated	3%

The area north of Broadway that is proposed for inclusion in the expanded Rutledge Hill area was previously declared to be blighted by Resolution No. 74-1159 of the Metropolitan Council.

FILED
METROPOLITAN
COUNCIL

JAN 23 3 55 PM '86

DUPLICATE
METROPOLITAN COUNTY COUNCIL
Bill No. 086-1131

NOTIFIED:
FINANCE
PLANNING
M.D.H.A.
PUBLISHER

AN ORDINANCE APPROVING AN AMENDMENT
TO THE RUTLEDGE HILL REDEVELOPMENT
PLAN

APPROVED BY PLANNING COMMISSION

Introduced FEB 4 1986
Passed first Reading FEB 4 1986
Referred to PLANNING, ZONING, HISTORICAL
AND PORT AUTHORITY COMMITTEE
~~XXXXXX~~ DEFERRED FEB 18 1986 - MAR 4 1986
Passed second Reading MAR 18 1986

Referred to _____
Passed third Reading APR 1 1986

Approved APR 3 1986
By [Signature]
Metropolitan Mayor

Departments Notified APR 4 1986

Advertised _____
Form 61