

ORDINANCE NO. BL2005-762

An ordinance amending Title 17 of the Metropolitan Code, Zoning Regulations, by adding a new zoning district called "specific plan" (SP), all of which is more particularly described herein (Proposal No. 2005Z-073T).

WHEREAS, to establish a zoning district that addresses the unique characteristics of an individual property through a site specific plan for the metropolitan council to review and approve, and a plan which the council may establish specific limitations and requirements in excess of those required by the base zoning district(s) to ensure the surrounding neighborhood and community-at-large are not adversely affected;

WHEREAS, to create opportunities through creative, practical, and proven design techniques that yield a site specific plan that respects the unique character and charm of abutting neighborhoods and the larger community;

WHEREAS, to create an opportunity to promote more efficient and economic uses of land while lowering unnecessary development and construction costs; and,

WHEREAS, to permit flexible design in the location, integration and arrangement of land uses, buildings, structures, utilities, access, transit, parking, and streets, and where collectively these elements are context sensitive, avoid monotony, promote variety, and result in high-quality development.

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

SECTION 1. By amending Section 17.08.010, "Zoning districts established" by **adding** under "C" on the list of zoning districts, "SP" for specific plan district and **deleting** "Institutional district: I".

SECTION 2. By amending Section 17.08.020, Zoning districts described" by **adding** under "C" Specific Plan District as follows:

- C. SP, Specific Plan District. The SP District is intended to implement the context sensitive design and land use compatibility provisions of the General Plan for all land use policies. The district shall be used to promote flexible design in the location, integration, and arrangement of land uses, buildings, structures, utilities, access, transit, parking and streets. A site specific plan shall establish specific limitations and requirements, including any not addressed by this title, so as to respect the unique character and/or charm of abutting neighborhoods and larger community in which the property is located. A specific plan (SP) district may be applied to any property, or within any overlay district established by Chapter 17.36.

SECTION 3. By amending Section 17.08.030, "Zoning District Land Use Tables", by **adding** "SP" as a zoning district after mobile home park district, with the following notation:

"Land uses shall be as specifically listed in the site specific SP ordinance."

SECTION 4. By amending Table 17.12.020.C by **deleting** "I" as a zoning district and all information pertaining to it, and **adding** in its place "SP" in the column Zoning District", and then placing in every column "see note 4" which is to read as follows:

Note 4: Development standards shall be as specifically listed in the site specific SP ordinance."

SECTION 5. By amending Table 17.12.030.A by **deleting** “I”, and **adding** as a separate row “SP” at the end of the table, and placing beside SP the following information under “Minor-Local and Local Streets” and “All”:

| Zoning District | Minor-Local and Local Streets | All |
|-----------------|--|-----|
| SP | Street setbacks shall be as specifically listed in the site specific SP ordinance. | |

SECTION 6. By amending Table 17.12.030.B by **adding** as a separate row “SP” at the end of the table, and placing beside SP the following information under all street classifications:

| | |
|----|--|
| SP | Street setbacks shall be as specifically listed in the site specific SP ordinance. |
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SECTION 7. By amending Chapter 17.40 by **adding** a new section to Article III., Amendments to Zoning Code or Official Zoning Map.

17.40.105 Purpose and intent.

The specific plan (SP) district is an alternative zoning process that may permit any land uses, mixture of land uses, and alternative design standards, as may be required to address the unique characteristics of an individual property through a site specific plan. In return, a SP district requires the site specific plan to be designed such that, at a minimum, the location, integration and arrangement of land uses, buildings, structures, utilities, access, transit, parking, and streets collectively avoid monotony, promote variety, and yield a context sensitive development. The site specific plan must comply with the building, fire and life safety codes adopted by the Metropolitan Government.

17.40.106 Development Plan.

- A. *Pre-Application Conference.* Prior to the submittal of a rezoning application for the SP district, all applicants shall meet with the executive director of the planning department or designee for guidance on the proposed development plan and its consistency with the principles and objectives of the General Plan.
- B. *Application Submittal.* Following the pre-application conference, an applicant may submit a rezoning application for the SP district accompanied by a development plan in a form and content established by the planning commission, along with a processing fee. At a minimum, the development plan shall consist of written text, exhibits, and plans in a report format that describes existing conditions, the purpose and intent of the site specific SP, the plan’s consistency with the principles and objectives of the General Plan, a design plan for the development, a list of allowable land uses, illustrations of proposed building types, site specific development standards, and a development phasing and construction schedule. All items must be submitted, at the time of application, for the rezoning application to be deemed complete for review. Any omission of a required submittal item shall be identified, and its reason for omission explained in the development plan, including any application submittal waivers granted by the executive director of the planning department.
- C. *Metropolitan Development and Housing Agency (MDHA) and/or Metro Historic Zoning Commission Action.* Any existing or proposed SP district located in whole or in part within a redevelopment district or a historic overlay district shall first be referred to and reviewed by MDHA and/or the Metropolitan Historic Zoning Commission for conformance with the relevant plan or guidelines. Any existing or proposed property for SP district which is, in whole or in part, listed on the National Register of Historic Places, identified as eligible for the National Register of Historic Places, or identified as worthy of conservation shall first be referred to and reviewed by the

Metropolitan Historic Zoning Commission staff to determine the effects of the proposed SP district on the historic properties. Each agency shall provide a written recommendation to the planning commission on any aspects of the proposed SP district that would be in conflict with the adopted requirements, guidelines, or standards. Adoption of a SP district shall not relieve any property owner from full compliance with the adopted regulations and guidelines of the applicable redevelopment or historic overlay guidelines. Within a SP district, all development shall be consistent with the requirements of the SP district as well as any adopted redevelopment or historical overlay district, whichever is more restrictive.

D. *Metro Planning Commission Action.* The planning commission shall review a proposed SP district application for conformance and consistency with the development plan's stated purpose and intent and the principles and objectives of the General Plan. The planning commission shall act to recommend approval, approval with conditions or disapproval of the application. Within ten working days of an action, the commission's resolution shall be transmitted in writing to the applicant, the metro clerk, the zoning administrator and all other appropriate governmental departments.

1. Approval. Approval of a proposed SP district shall be based on findings that the stated purpose and intent have been satisfied.
2. Conditional Approval. The planning commission may recommend approval of a SP district application subject to any conditions deemed necessary to fulfill the purpose and intent. All conditions shall be transmitted in writing to the applicant. The application will not be considered approved until the applicant provides all prescribed amendments to the application.
3. Disapproval. If the planning commission acts to disapprove an application, the reasons for that disapproval shall be stated in writing and transmitted to the applicant.

E. *Council Consideration.* The metropolitan council shall consider an ordinance establishing a SP district and its associated development plan according to the procedures of Article III of this chapter (Amendments to the Official Zoning Map).

F. *Changes to a SP District.* An application to modify a SP district, in whole or in part, shall be filed with, and considered by, the planning commission according to the provisions of this section. The executive director of planning department shall have the authority to grant minor modifications to the approved SP plan. A major modification shall include, but not be limited to, any proposed change in the geographic boundary of a SP district, the modification of specific performance criteria, design standards, land uses, development types or other requirements as shown, described, illustrated, identified, or noted on the last approved Council development plan, and shall be considered by the metropolitan council according to the procedures of Article III of this chapter (Amendments to the Official Zoning Map).

G. *Final Site Plan.* All final site plans shall conform with the SP development plan, and shall be submitted in conformance with Section 17.40.170.B of this title. Approval shall be based on a finding that the final site plan conforms with the approved development plan. Where the development plan approved by the metropolitan council is of such detail for a specific land use, phase, or area of development that the submittal of a final site plan would essentially duplicate the applicable portion of the approved development plan, the executive director of the planning department may waive the submittal of a final site plan. In such cases, an applicant shall proceed to the Codes Department and apply for all required construction permits.

- H. *Development Approvals and Permits.* Approval of a SP district does not relieve an applicant of any subdivision plat, final site plan, building permit, or other Metro department reviews and approvals. Except as specifically provided for in the individual SP ordinance, all development shall be undertaken in conformance with adopted departmental rules and procedures. Where specific amendments to departmental rules and procedures have been included in the adopted SP ordinance, all reviews and permits shall only be issued in conformance with the provisions of the approved SP development plan. However, no rule or procedure amendment shall be implemented if it would vacate or violate any federal or state requirement and all applications must fully comply with Chapter 15.64, "An Ordinance for Stormwater Management" as well as the adopted subdivision regulations.
- I. *Review of a Development Plan.* The specific plan district is not intended for speculative development projects, but represents the applicant's firm intention to develop according to a master development plan in a single development operation, or in a phased series of development operations according to a development schedule submitted in accordance with Section 17.40.106.B. The planning commission shall review each development plan within a SP district four (4) years from the date on which it was approved by the metropolitan council, and every four (4) years hence until the development plan has been deemed by the planning commission to be complete according to the approved development concept.

The planning commission shall review each development plan within a SP district to determine if the project is complete or actively under development to implement the approved development concept. If the review determines that the project is complete or actively under development, then no further review shall be undertaken. If the review determines that the project is inactive then the planning commission shall review the development plan within the SP district, per subsection 2 below, to determine its continued appropriateness.

1. Once the planning commission's review of an inactive project has commenced, no grading permit, nor any building permit for new building construction shall be issued for the development plan, or for any phase(s) of the development plan, until the development plan is reviewed by the planning commission and the metropolitan council takes final action as outlined in subsection 3.
2. A written report to the metropolitan council shall be prepared by the planning commission which reflects its findings on issues a. and b. below and its recommendation on whether the SP district should remain on the property, whether any amendments to the approved SP district are necessary, or whether the property should be rezoned to another zoning district. Failure of the planning commission to provide the metropolitan council with a recommendation within ninety days from the initiation of the review shall be considered a recommendation to retain the existing development plan without alteration. The planning commission report shall include findings on the following issues:
 - a. The appropriateness of the continued implementation of the development plan or phase(s) as adopted, based on current conditions and circumstances; and
 - b. Any recommendation to amend the development plan or individual phase(s) to properly reflect existing conditions and circumstances, and the appropriate base zoning classification(s) should the SP district be removed, in whole or in part, from the property.
3. Within six months of the planning commission's deadline for submitting a recommendation regarding the continued appropriateness of the development plan, the council may take final action to retain the existing development plan,

amend the development plan, or cancel the specific plan district and rezone the property to an appropriate base zoning district. Otherwise the property may be developed in accordance with the development plan last approved by the metropolitan council until such time as the council takes action to alter the zoning of the property.

4. The procedures of Article III of this chapter and the rules and procedures of the metropolitan planning commission shall apply to deliberations and decisions on inactive development plans.

SECTION 7. By amending Section 17.40.170.B, "Final Approval by the Planning Commission", by **adding** after the phrase "an urban design overlay district" the phrase "a specific plan (SP) district,".

SECTION 8. By amending Section 17.40.170.C, "Development Under a Unified Plat of Subdivision", by **adding** after the phrase "or I district," the phrase "a specific plan (SP) district."

SECTION 9. By amending Section 17.40.340, "Limits to Jurisdiction", by adding within the first sentence the following text: "The board shall not grant variances within a SP district or..."

SECTION 10. BE IT FURTHER ENACTED, That this ordinance take effect immediately after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

Sponsored by: J. B. Loring, Sam Coleman, Mike Jameson