

Used Car Lots and the South Nashville Community Plan Update FACT SHEET

Updated 10.18.08

In 2007, the Tennessee Legislature enacted legislation that changes the rules for how a used car lot that is a nonconforming use is allowed to close and be re-opened and/or be sold to a new owner. Metro Planning Department is currently working with the Metro Legal Department to determine how this law will be implemented in Davidson County. This is a draft fact sheet that is subject to change.

In the past, used car lots, like any other nonconforming (where the land use isn't allowed in the current zoning) commercial use, could close and remain closed for up to 30 months and then re-open as a used car lot. This is what is often called "grandfathering." The new law changed the rules for used car lots so that traditional "grandfathering" no longer exists in Davidson County.

What has changed?

The new law (House Bill 1187, Senate Bill 1442) states that if the used car lot is

- operating as a legal, nonconforming use,
- is closed for less than 30 months and
- the owner wants to re-open it or a new owner wants to continue the use,

then the owner has to apply to the Planning Commission and "show cause" that they should be allowed to continue the use even though it does not comply with the current zoning. In the past, the used car lot could be closed for up to 30 months and re-open as a car lot. They would be allowed to do so as a "grandfathered" non-conforming use.

How will the owner "show cause"?

Metro Planning staff will conduct analysis of the used car lot asking the following question - does the proposed continuation of the used car sales use conform to the adopted land use policy, any applicable Detailed Neighborhood Design Plan, and/or the context of the site?

What is the impact on South Nashville and particularly on Nolensville Pike?

Most used car lots in South Nashville are on Nolensville and Murfreesboro Pikes. In the South Nashville Community Plan these Pikes have *Community Center* land use policy. In the detailed land use policy of the Nolensville Pike Corridor Detailed Neighborhood Design Plan, Nolensville Pike has *Mixed Use* policy. (Note - Nolensville Pike also has *Mixed Housing* policy where used car lots would be discouraged, whether new or existing).

Neither of these policies explicitly prohibits used car lots, however the intent or the land use policies and urban design standards for each would make it very difficult to create a car lot.

Community Center and Mixed Use policies encourage mixed use development in multi-story structures with a pedestrian-friendly environment. It is difficult to create a used car lot that meets these urban design standards. Therefore, prior to this legislation passing, these land use policies didn't encourage the development of any new used car lots, but allowed the existing used car lots to continue. Now, a used car lot must be reviewed for appropriateness every time it changes ownership. It will be compared to the land use policies in the community plan and, if applicable, the DNDP. These land use policies will discourage used car lot uses.

The end result is that there will likely be no new used car lots and the existing ones will likely not be able to continue if closed temporarily or sold to another owner.

Challenge

There is a need for some used car lots in the community. In the appropriate location and with good urban design, used car lots can be an asset to the community.

Recommendation

Instead of prohibiting used car lots everywhere, the South Nashville Community Plan and the Nolensville Pike DNDP should discuss where a used car lot would be appropriate and what design standards it should meet.

Design Standards

- Physical separation of car display or parking from sidewalk by “knee wall,” at least 24” tall, made of concrete, stone, masonry, or pillars with wrought iron.
- Any adjacent right of way must have sidewalk. If a sidewalk doesn’t exist, the owner constructs one.
- No chain link fence within 25’ of any public right of way (street/sidewalk).
- No razor wire, barbed wire or similar materials.
- All light is directed on-site.
- Only monument or on-building signs are allowed. No pole-mounted signs or billboards.
- Landscaping and buffering requirements.
- Structure location – at street with parking/car display beside or behind.
- Access – from alley or side street (this may prove challenging with locations of existing used car lots).

Initial Proposal on Location – Nolensville Pike from I440 to Grassmere (within the Nolensville Pike Corridor DNDP) – still needs additional research

- Assume that land use policy does not intend to create new used car lots, but that existing should have opportunity to remain in business, while meeting higher design standards.
- Balance this with the detailed land use policy, which calls for commercial at “nodes” and not “stripped” along entire corridor.
- Result – allow existing used car lots to continue to exist, but do not encourage any *new* used car lots and do not allow any to continue in the “Mixed Housing” policy along Nolensville Pike.

Initial Proposal on Location – Murfreesboro Pike – still needs additional research

- Assume that existing used car lots should be allowed to continue, if they are in an appropriate location.
- Location criteria may include if they are in a cluster of auto uses and/or if they have side street access, so they don’t have to access from Murfreesboro Pike.

Initial Proposal on Location – Elsewhere in South Nashville – still needs additional research

- Community Center policy and Commercial Mixed Concentration policy exist elsewhere in the community.
 - CMC near 100 Oaks Mall
 - CC at Thompson Ln. and Eugenia
 - CC at Briley and I24
 - CC on Lafayette
 - CC on Nolensville Pike between I440 and fairgrounds
- Recommend using special policy to discourage used car lots in these areas.