

# EXHIBIT A

- Amend Chapter 17.36 (Overlay Districts) by adding as Article XI. Neighborhood Landmark District as follows:

## **Article XI. Neighborhood Landmark District** **17.36.400 Purpose and intent.**

The neighborhood landmark district provisions are established by this title to preserve and protect neighborhood features that are important to maintain and enhance the neighborhood character. Neighborhood features are defined as buildings, structures, objects, sites, and areas of historic, cultural, civic, neighborhood, or architectural value and/or importance to metropolitan Nashville and Davidson County. The provisions of this title are intended:

- A. To regulate exterior design, arrangement, texture, and materials proposed to be used within the neighborhood landmark districts to ensure protection of the identified feature and compatibility with surrounding uses ;
- B. To create an aesthetic appearance which complements the existing buildings, structures, objects, sites, and areas of value or importance on-site;
- C. To stabilize and improve property values;
- D. To foster civic beauty;
- E. To enhance a neighborhood by providing a strong sense of place;
- F. To protect the neighborhood character and context by preserving existing neighborhood fabric while permitting reasonable use of a property;
- G. To strengthen the local economy; and
- H. To promote the use of neighborhood landmark districts for the education, pleasure and welfare of the present and future citizens of Nashville and Davidson County.

## **17.36.410 District established.**

Neighborhood Landmark (NL) District. The boundaries shall be shown on the zoning map or special overlays thereto that are made a part of this zoning code and noted by name on such maps, in which no feature shall be constructed, altered, repaired, relocated or demolished in whole or in part, increased in size, or changed in height unless the action complies with the requirements set forth in this title.

## **17.36.420 District defined.**

A neighborhood landmark is defined as a feature, its appurtenances and the property it is located on which has historical, cultural, architectural, civic, neighborhood, or archaeological value and/or importance; whose demolition or destruction would constitute an irreplaceable loss to the quality and character of a neighborhood within Nashville and Davidson County, and that meets one or more of the following criteria:

1. It is recognized as a significant element in the neighborhood and/or community;
2. It embodies characteristics that distinguish it from other features in the neighborhood and/or community;
3. Rezoning the property on which the feature exists to a general zoning district inconsistent with surrounding or adjacent properties such as office commercial

- Amend Chapter 17.40 (Administration and Procedures: Overlay Districts) by adding Neighborhood Landmark District as follows and renumbering subsequent sections:

**17.40.160 Neighborhood Landmark (NL) District.**

- A. Establishment of a Neighborhood Landmark District.** A Neighborhood Landmark District overlay shall be established upon approval of an ordinance by the metropolitan council following a recommendation from the planning commission.
- B. Criteria for consideration.** In developing its recommendation, the planning commission shall hold a properly noticed public hearing. In recommending approval of a Neighborhood Landmark district, the planning commission shall find that:
1. The feature is a critical component of the neighborhood context and structure;
  2. Retention of the feature is necessary to preserve and enhance the character of the neighborhood;
  3. The only reason to consider the application of the Neighborhood Landmark district is to protect and preserve the identified feature;
  4. There is acknowledgement on the part of the property owner that absent the retention of the feature, the base zoning district is proper and appropriate and destruction or removal of the feature is justification for and will remove the Neighborhood Landmark overlay designation and return the district to the base zoning district prior to the application of the district;
  5. It is in the community's and neighborhood's best interest to allow the consideration of an appropriate Neighborhood Landmark Development Plan as a means of preserving the designated feature; and,
  6. All other provisions of this section have been followed.

Absent a finding that the proposed feature meets all of the Criteria for Consideration, the planning commission shall recommend disapproval. In approving an ordinance establishing a Neighborhood Landmark district, the metropolitan council shall also find that the feature complies with the Criteria for Consideration.

The following provisions apply to all neighborhood landmark (NL) districts.

- A. Neighborhood Landmark Development Plan.** A development plan for the reuse of any feature encompassed by a NL district shall be submitted and approved by the planning commission at a properly noticed public hearing. No zoning permits, building permits or other land development permit of any kind that would alter the character of the district shall be issued within a NL district prior to approval of a neighborhood landmark development plan according to the procedures of this article and chapter. This provision shall not be intended to prevent the issuance of any permit necessary to stabilize any condition of imminent danger to life safety.

1. **Application Requirements.** A neighborhood landmark development plan shall be submitted by the property owner (or authorized agent) in form and content established by the planning commission, along with the required application fee. At a minimum, the application shall be accompanied by scaled drawings and any necessary reports, including traffic impact studies, to protect the character of the

- d. The type, location, number, and size of all existing and proposed vegetation and landscaping;
  - e. The location, width, height, and type of any existing and proposed fence or wall;
  - f. The location of any accessory structures for refuse collection, recycling, or feature maintenance;
  - g. The existing and proposed location of any water mains and sewer lines required to serve the property
  - h. The location of all existing and proposed access points, loading areas, and drive-thru lanes;
  - i. The location and name of all existing streets and alleys;
  - j. Tabular data identifying the specific existing and proposed uses and square footage; proposed densities; floor area ratios; impervious surface ratios; feature height(s); and parking spaces;
  - k. A proposed development schedule; and,
  - l. Certification by a civil engineer, architect, landscape architect, or urban planner of direct involvement in the preparation of the development plan.
2. **Relationship to Other Requirements.** Unless explicitly authorized otherwise by the approved neighborhood landmark development plan, all requirements and standards established by other chapters of this title, as well as any other applicable metro, state or federal regulation, shall apply to the development and use of properties located within a NL district. All development within a NL district shall conform to Chapter 15.64, the "Ordinance for Storm Water Management" and the subdivision regulations. In case of conflict between the standards of this article and other chapters of this zoning code, the provisions of this article shall control.
3. **Permitted Land Uses.** All land uses classified as a "A", "P" or "PC" by the underlying zoning district(s) shall be permitted within the NL district. Additional uses, including uses prohibited by the underlying zoning district(s), may be permitted subject to certain conditions as described in the neighborhood landmark development plan, provided they are determined by the planning commission to be compatible with, and sensitive to, abutting properties and the overall neighborhood fabric and appropriate to preserve and maintain the district.
4. **Design Standards.** To ensure the compatibility of a NL district with surrounding uses and streetscape, the neighborhood landmark development plan shall adequately address the following design elements at a minimum:
- a. *Building mass and scale.* The mass and scale of any new construction or alterations to a feature shall be consistent with the principal features, if any, on-site and in relation to existing and surrounding uses, buildings, structures, and streetscape. Feature improvements shall relate to pedestrian scale and activity.
  - b. *Parking.* The number of any required parking spaces shall be established recognizing any available on-street and alternative parking available in the area. New parking spaces shall be located so as not to disrupt the continuity of the existing neighborhood context, building rhythm, and streetscape to the side and rear of the feature to the extent possible.
  - c. *Lighting.* Lighting shall be designed and located at a pedestrian scale consistent with pedestrian movements and the neighborhood. Lighting shall be concealed or shielded to avoid glare and off-site impacts on abutting

- e. *Landscaping.* Landscaping shall enhance and reinforce the distinguishing characteristics of the feature and appropriately buffer any district alteration from adjacent properties.
5. **Alternative Design Standards.** In addition to alternative permitted uses, the approval of a neighborhood landmark development plan, may establish alternative design standards. A finding must be made that those standards would serve to enhance and provide a strong sense of place, permit the reasonable use of the property, and not impair the continued use and enjoyment of abutting properties in fulfillment of the land use policies of the general plan. Alternative design standards may be approved in lieu of otherwise applicable code provisions to the following provisions of this title.
    - a. Minimum lot area, maximum building coverage, setback and building height standards of Tables 17.12.020A, 17.12.020B, and 17.12.020C;
    - b. Street setback standards of Tables 17.12.030A and 17.12.030B provided any new setback does not conflict with any adopted major street plan as contained in the general plan;
    - c. Landscape buffer yard standards of Chapter 17.24;
    - d. Parking, loading, and access standards of Chapter 17.20; and,
    - e. Sign Regulations of Chapter 17.32.
  6. **Incomplete Applications.** If the planning department determines that the application fails to satisfy the minimum requirements of an adopted submittal checklist, the applicant shall be notified in writing within ten working days that the application has been rejected, with the notification stating the reason(s) for rejection.
  7. **Written Report.** The staff of the planning commission shall review all applications and submit a written report to the planning commission to serve as a basis for action. The report shall adequately describe the location, nature and scope of the proposed neighborhood landmark development plan, and the manner in which the plan demonstrates conformance with the development and performance standards of Chapter 17.36, Article XI and other applicable provisions of this title.
  8. **Metro Historic Zoning Commission Action.** Any feature located within an historic overlay district, listed on the national register of historic places, or eligible for the national register of historic places, shall first be referred to and reviewed by the metropolitan historic zoning commission. The commission shall provide a written recommendation to the planning commission on any alterations proposed to the feature which would be subject to any applicable historical design review guidelines.
  9. **Planning Commission Action.** Within sixty days following receipt of a complete application, the planning commission shall conduct a public hearing according to the public notice provisions of Article XI of this chapter. The Planning Commission shall act to conditionally approve or disapprove an application, stating in writing the reasons for any disapproval to the applicant. Conditional approval of a neighborhood landmark development plan shall be based on findings that the provisions of Chapter 17.36, Article XI, Section 17.40.160, and all other applicable provisions of this title have been satisfied. Conditions shall be adopted that serve to preserve and reinforce the context of the streetscape and

10. **Changes to a Neighborhood Landmark Development Plan.** Applications to modify a neighborhood landmark development plan in whole or in part shall be filed with the planning department.

a. **Minor modifications.** The planning director shall have the authority to grant minor modifications to the permit that do not exceed 10% of any square footage limitation, building setback, lot coverage, landscaping requirement, parking requirement, or dimensional requirement relating to fences or walls. At the planning director's discretion, any minor modification may be referred to the planning commission for consideration in accordance with section.

b. **Major modifications.** All other modifications to the approved plan shall be considered major modifications subject to the planning commission's review and action as set forth in this section.

11. **Development Permits.** All zoning, building and other land development permits shall only be issued in conformance with the provisions of the approved neighborhood landmark development plan.