

ORDINANCE NO. BL2018-1100

An ordinance to amend Title 17 of the Metropolitan Code of Laws, the Zoning Ordinance of The Metropolitan Government of Nashville and Davidson County, by changing from R15 to SP zoning for properties located at 401 Kinhawk Drive and Nolensville Pike (unnumbered), at the southwest corner of Nolensville Pike and Kinhawk Drive (2.78 acres), to permit all uses permitted by MUL zoning except Alternative Financial Services, Bar or nightclub, flea market, hotel/motel, mobile storage units and automobile parking, all of which is described herein (Proposal No. 2018SP-025-001).

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

Section 1. That Title 17 of the Code of Laws of The Metropolitan Government of Nashville and Davidson County, is hereby amended by changing the Official Zoning Map for Metropolitan Nashville and Davidson County, which is made a part of Title 17 by reference, as follows:

By changing from R15 to SP zoning for properties located at 401 Kinhawk Drive and Nolensville Pike (unnumbered), at the southwest corner of Nolensville Pike and Kinhawk Drive (2.78 acres), to permit all uses permitted by MUL zoning except Alternative Financial services, bar or nightclub, flea market, hotel/motel, mobile storage units, and automobile parking, being Property Parcel Nos. 024 and 043 as designated on Map 172-08 of the Official Property Identification Maps of The Metropolitan Government of Nashville and Davidson County, all of which is described by lines, words and figures on the plan that was duly considered by the Metropolitan Planning Commission, and which is on file with the Metropolitan Planning Department and Metropolitan Clerk's Department and made a part of this ordinance as though copied herein.

Section 2. Be it further enacted, that the Metropolitan Clerk is hereby authorized and directed, upon the enactment and approval of this ordinance, to cause the change to be on Map 172 of said Official Zoning Map for Metropolitan Nashville and Davidson County, as set out in Section 1 of this ordinance, and to make notation thereon of reference to the date of passage and approval of this amendatory ordinance.

Section 3. Be it further enacted, that the uses of this SP shall be limited to all uses permitted by MUL zoning except Alternative Financial services, bar or nightclub, flea market, hotel/motel, mobile storage units, and automobile parking.

Section 4. Be it further enacted, that the following conditions shall be completed, bonded or satisfied as specifically required:

1. Uses within this SP shall be limited to All Uses permitted by MUL with the following excluded uses: Alternative Financial Services, Bar or Nightclub, Flea Market, Hotel/Motel, Mobile Storage Unit, and Automotive Parking.
2. There shall be a Class "B-1" 20 foot wide Buffer yard located adjacent to any residentially zoned property.
3. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the MUL zoning district as of the date of the applicable request or application.

4. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
5. Public water and sewer construction plans, if required, must be submitted and approved prior to Final SP approval. A water and sewer availability request shall be made prior to Final SP submittal with required capacity fees paid prior to Final Site Plan/SP approval.
6. Parking shall be provided per the Metro Zoning Code.
7. Buildings shall not exceed 2 stories in height or 35 feet as measured to the roof line.
8. Side and rear setbacks shall be 20 feet.
9. Floor Area Ratio (FAR) shall not exceed 1.0
10. Impervious Surface Ratio (ISR) shall not exceed 0.90
11. Any development on the site will comply to the standards and regulations of Metro Stormwater and the Tennessee Department of the Environment and Conservation with specific emphasis on stormwater control and water quality, and the required operating permits.
12. Building elevations shall be provided with the Final Site Plan. Building Facades fronting a street shall consist of masonry products. EIFS, vinyl siding, and untreated wood shall be prohibited.
13. The required fire flow shall be determined by the Metropolitan Fire Marshall's Office prior to the issuance of a building permit.
14. The Specific Plan process is a multi-step process. If the Preliminary SP is approved, there are additional steps required prior to issuance of a building permit. These steps include: final site plan and building permit review. The final site plan is submitted through the normal Planning Commission review process. For building permit review, when applying for a building permit you must submit 3 copies of the building permit set and \$250 directly to the Planning front counter for processing.
15. All development within the boundaries of this plan must meet the requirements of the Americans with Disabilities Act and the Fair Housing Act ADA: <http://ada.gov/>
16. The infrastructure (roads, utilities, storm drainage) shall be constructed in One Phase.
17. Parcel 24 will remain as an open space buffer. No vehicular access shall be allowed to or from Kinhawk Drive. No building improvements will be allowed on parcel 24.
18. Vehicular access to and from Nolensville Pike shall be allowed if approved by Metro Public Works and the Tennessee Department of Transportation.

Section 5. Be it further enacted, a corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.

Section 6. Be it further enacted, minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

Section 7. Be it further enacted, if a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the MUL zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.

Section 8. 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.

INTRODUCED BY:

Robert Swope
Member of Council