

ORDINANCE NO. BL2013-418

An ordinance to amend Sections 17.08.030, 17.16.070, 17.16.090, 17.32.050, 17.32.110, 17.32.120, 17.32.130 and 17.32.150 of the Metropolitan Zoning Code, pertaining to specific automobile related uses and sign requirements, by modifying which zoning district specific automobile related uses are permitted, all of which is more specifically described herein (Proposal 2013Z-006TX-001).

WHEREAS it is desirable for the Metropolitan Government of Nashville and Davidson County to promote economic vitality and provide opportunities for diverse commercial activities throughout Nashville, and

WHEREAS, it is reasonable for the Metropolitan Government of Nashville Davidson County to require specific regulations to ensure that commercial activities will not negatively impact residential areas or the aesthetics of Nashville's commercial areas;

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

Section 1. That Section 17.08.030, District land use tables, is hereby amended by deleting all citations of "PC" (permitted with conditions) under "SP" (Specific Plan) zoning district with the exception of the "Wind energy facility (small)" and the "Construction/demolition waste processing (project specific)" land uses.

Section 2. That Section 17.08.030, District land use tables, is hereby amended by deleting all citations of "O" (permitted only within an overlay) under "SP" (Specific Plan) zoning district.

Section 3. That Section 17.08.030, District land use tables, is hereby amended by deleting all citations of "SP" under "SP" (Specific Plan) zoning district.

Section 4. That Section 17.08.030, District land use tables, is hereby amended by denoting an asterisk (\*) after "SP" in the SP zoning category and adding an asterisk (\*) before the phrase "Land uses shall be as specifically listed in the site specific SP ordinance" found in the footnotes at the end of the table.

Section 5. That Section 17.08.030, District land use tables, is hereby amended by adding "PC"(permitted with conditions) under the "CS" (Commercial Services) zoning district in alphabetical order for "Automobile repair", "Automobile sales, used" and "Vehicular sales and service, limited".

Section 6. That Section 17.08.030, District land use tables, is hereby amended by adding "P" (permitted) under the "CS" (Commercial Services) and the "CA" (Commercial Amusement) zoning districts for "Vehicular rental/leasing".

Section 7. That Section 17.08.030, District land use tables, is hereby amended by adding “PC” (permitted with conditions) under “CF” (Commercial Core Frame) zoning districts for “Vehicular rental/leasing”.

Section 8. That Section 17.16.070, Commercial uses, is hereby amended by deleting subsection E, “Automobile Sales, Used” in its entirety, and replacing with the following new subsection E:

**Automobile Repair.**

1. There shall be a physical separation of any automobile display area or any parking area from the public right-of-way. The separation shall be provided by one of the following options:
  - a. A solid wall that is no less than 24 inches in height and no more than 36 inches in height. The wall shall be constructed of concrete, stone, split-faced masonry or similar materials; or
  - b. A fence that is no less than 24 inches in height and no more than 36 inches in height that includes solid masonry pillars with wrought iron or similar materials between pillars.
2. Driveways shall be consolidated if required by the Metro Traffic Engineer.
3. Chain link fence, barbed wire, razor wire or similar fencing is prohibited within 25 feet of a public right-of-way.
4. Fencing or walls within 25 feet of a public right-of-way shall not be more than 36 inches in height.
5. Service doors facing any district that permits residential uses or a legally occupied residential structure shall be screened by a solid wall or opaque fence with a minimum height of six feet and no more than ten feet, in addition to any required landscape buffer yard.
6. All buildings, structures, inoperable vehicles, outdoor storage and automobile repair uses shall be located a minimum of 25 feet from any district boundary that permits residential uses or a legally occupied residential structure, and all buildings, structures, inoperable vehicles, outdoor storage and automobile repair uses shall be screened from any district boundary that permits residential uses or a legally occupied residential structure by a solid wall or opaque fence with a minimum height of six feet and no more than ten feet, in addition to any required landscape buffer yard.
7. Inoperable vehicles, outdoor storage and automobile repair activities shall be located to the rear or side yard and shall not be visible from any public right-of-way.
8. Billboards and/or digital signs are not permitted. On-premises ground signs shall be limited as follows:

<b>Lot Frontage in Feet</b>	<b>Max Number of Signs</b>	<b>Max Sign Area</b>	<b>Max Height</b>
Less than 100	1	64 sq. ft.	20 ft.
100 – 299	1	100 sq. ft.	20 ft.
>300	2 (with minimum 100' separation)	100 sq. ft.	20 ft.

Section 9. That Section 17.16.070, Commercial uses, is hereby amended by deleting subsection F. “Automobile Service” in its entirety and replacing with the following new subsection F:

**Automobile Sales, Used.**

1. There shall be a physical separation of any automobile display area or any parking area from the public right-of-way. The separation shall be provided by one of the following options:
  - a. A solid wall that is no less than 24 inches in height and no more than 36 inches in height. The wall shall be constructed of concrete, stone, split-faced masonry or similar materials; or
  - b. A fence that is no less than 24 inches in height and no more than 36 inches in height that includes solid masonry pillars with wrought iron or similar materials between pillars.
2. Driveways shall be consolidated if required by the Metro Traffic Engineer.
3. Chain link fence, barbed wire, razor wire or similar fencing is prohibited within 25 feet of a public right-of-way.
4. Fencing or walls within 25 feet of a public right-of-way shall not be more than 36 inches in height.
5. Service doors facing any district that permits residential uses or a legally occupied residential structure shall be screened by a solid wall or opaque fence with a minimum height of six feet and no more than ten feet, in addition to any required landscape buffer yard.
6. All buildings, structures, inoperable vehicles, outdoor storage and automobile repair uses shall be located a minimum of 25 feet from any district boundary that permits residential uses or a legally occupied residential structure, and all buildings, structures, inoperable vehicles, outdoor storage and automobile repair uses shall be screened from any district boundary that permits residential uses or a legally occupied residential structure by a solid wall or opaque fence with a minimum height of six feet and no more than ten feet, in addition to any required landscape buffer yard.
7. Inoperable vehicles, outdoor storage and automobile repair activities shall be located to the rear or side yard and shall not be visible from any public right-of-way.
8. Billboards and/or digital signs are not permitted. On-premises ground signs shall be limited as follows:

<b>Lot Frontage in Feet</b>	<b>Max Number of Signs</b>	<b>Max Sign Area</b>	<b>Max Height</b>
Less than 100	1	64 sq. ft.	20 ft.
100 – 299	1	100 sq. ft.	20 ft.
>300	2 (with minimum 100' separation)	100 sq. ft.	20 ft.

Section 10. That Section 17.16.070, Commercial uses, is hereby amended by deleting subsection I, "Car Wash", in its entirety and replacing with the following new subsection I:

**Car Wash.**

1. There shall be a physical separation of any automobile display area or any parking area from the public right-of-way. The separation shall be provided by one of the following options:
  - a. A solid wall that is no less than 24 inches in height and no more than 36 inches in height. The wall shall be constructed of concrete, stone, split-faced masonry or similar materials; or
  - b. A fence that is no less than 24 inches in height and no more than 36 inches in height that includes solid masonry pillars with wrought iron or similar materials between pillars.
2. Whether automatic, free, self-service or by hand, the car wash structure (including wash bays) and any outdoor vacuuming machines or areas, shall be located a minimum of fifty feet from any residential zoned district or district permitting residential uses.
3. All washing facilities shall be located within a structure which is enclosed except those openings necessary for vehicular and pedestrian access. Such openings shall not face any adjacent residentially zoned property.
4. Car washing facilities shall be separated from adjacent property other than street frontage by a masonry wall of not less than six nor more than eight feet height. If adjacent property is commercially developed and a solid wall already exists on the property line, the zoning administrator may modify or waive this requirement as necessary to achieve the purpose of this section.
5. For facilities without defined stalls, a stall shall be calculated based on one stall being the equivalent to each twenty linear feet of washing area lane.
6. If located within 100 feet of a residential zone district or district permitting residential uses, operation of the establishment shall be prohibited prior to eight a.m. or after ten p.m. on any day of the week.
7. There shall be no outdoor loudspeakers or public address systems.
8. No vehicles may be stored or parked on the premises for the purpose of offering for sale.
9. Billboards and/or digital signs are not permitted. On-premises ground signs shall be limited as follows:

<b>Lot Frontage in Feet</b>	<b>Max Number of Signs</b>	<b>Max Sign Area</b>	<b>Max Height</b>
Less than 100	1	64 sq. ft.	20 ft.
100 – 299	1	100 sq. ft.	20 ft.
>300	2 (with minimum 100' separation)	100 sq. ft.	20 ft.

Section 11. That Section 17.16.070, Commercial uses, is hereby amended by deleting subsection S, "Vehicular Rental/Leasing", in its entirety and replacing with the following new subsection S:

Vehicular Rental/Leasing. This use shall be allowed as provided in the DTC zoning district. In the CF and SCR districts the use shall be limited to renting and/or leasing passenger automobiles, sport utility vehicles, pick-up-trucks (3/4 ton or less), and small cargo work vans and passenger vans (gross vehicle weight rating of not more than ten thousand pounds), including incidental parking and servicing of these vehicles for rental or lease. No motorcycle, recreational vehicles, boats, recreational equipment, moving vans or moving trucks shall be rented or leased from the property. In addition, no "Automobile Repair" or "Scrap Operation" activities may occur on-site and no inoperable vehicles shall be stored on the property.

Section 12. That Section 17.16.070, Commercial uses, is hereby amended by deleting subsection T, "Wrecker Service", in its entirety and replacing with the following new subsection T:

T: Vehicular Sales and Service, Limited

1. There shall be a physical separation of any automobile display area or any parking area from the public right-of-way. The separation shall be provided by one of the following options:
  - a. A solid wall that is no less than 24 inches in height and no more than 36 inches in height. The wall shall be constructed of concrete, stone, split-faced masonry or similar materials; or
  - b. A fence that is no less than 24 inches in height and no more than 36 inches in height that includes solid masonry pillars with wrought iron or similar materials between pillars.
2. Driveways shall be consolidated if required by the Metro Traffic Engineer.
3. Chain link fence, barbed wire, razor wire or similar fencing is prohibited within 25 feet of a public right-of-way.
4. Fencing or walls within 25 feet of a public right-of-way shall not be more than 36 inches in height.
5. Service doors facing any district that permits residential uses or a legally occupied residential structure shall be screened by a solid wall or opaque fence with a minimum height of six feet and no more than ten feet, in addition to any required landscape buffer yard.
6. All buildings, structures, inoperable vehicles, outdoor storage and automobile repair uses shall be located a minimum of 25 feet from any district boundary that permits residential uses or a legally occupied residential structure, and all buildings, structures, inoperable vehicles, outdoor storage and automobile repair uses shall be screened from any district boundary that permits residential uses or a legally occupied residential structure by a solid wall or opaque fence with a minimum height of six feet and no more than ten feet, in addition to any required landscape buffer yard.
7. Inoperable vehicles, outdoor storage and automobile repair activities shall be located to the rear or side yard and shall not be visible from any public right-of-way.

8. Billboards and/or digital signs are not permitted. On-premises ground signs shall be limited as follows:

Lot Frontage in Feet	Max Number of Signs	Max Sign Area	Max Height
Less than 100	1	64 sq. ft.	20 ft.
100 – 299	1	100 sq. ft.	20 ft.
>300	2 (with minimum 100' separation)	100 sq. ft.	20 ft.

Section 13. That Section 17.16.090, Industrial uses, is hereby amended by deleting subsection C, “Heavy Equipment, Sales and Service”, in its entirety and relettering accordingly.

Section 14. That Section 17.32.050, Prohibited signs, is hereby amended by adding a new subsection under subsection G. as follows:

6. Notwithstanding the foregoing provisions of this subsection signs with any copy, graphics, or digital displays that change messages by electronic or mechanical means shall not be permitted in the CS zoning district for uses classified as Automobile repair, Automobile sales, used; Car wash and Vehicular sales and services limited.

Section 15. That Section 17.32.110, On-premises signs – I, MUN, MUN-A, MUL, MUL-A, ON, OL, OG, OR20, OR20-A, OR40, OR40-A, CN and SCN districts, is hereby amended by deleting subsection C. in its entirety and replacing with the following new subsection C:

C. The number, area, spacing and height of permanent on-premises ground signs shall be determined according to Table 17.32.110, except that land uses classified as Car wash shall be further restricted as specified in Section 17.16.070.

Section 16. That Section 17.32.120, On-premises signs – ORI, ORI-A, MUG, MUG-A, MUI and MUI-A districts, is hereby amended by deleting subsection C. in its entirety and replacing with the following new subsection C:

C. The number, area, spacing and height of permanent on-premises ground signs shall be determined according to Table 17.32.120, except that land uses classified as Car wash shall be further restricted as specified in Section 17.16.070.

Section 17. That Section 17.32.130, On-premises signs – CL, CS, CA, CF, SCC, SCR, IWD, IR and IG districts, is hereby amended by deleting subsection D. in its entirety and replacing with the following new subsection D:

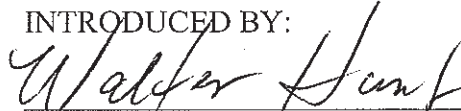
D. The number, area, spacing and height of permanent on-premises ground signs shall be determined according to Table 17.32.130.D, except that land uses classified as Automobile repair, Automobile sales, used; Carwash and Vehicular sales and services limited shall be further restricted as specified in Section 17.16.070.

Section 18. That Section 17.32.150, Billboards, is hereby amended by deleting subsection A. in its entirety and replacing with the following new subsection A:

A. Districts Permitting Billboards. Billboards shall be permitted in the CL, CS, IWD, CF, IR, and IG districts subject to the provisions of this chapter and this title. However, billboards are prohibited on any property within a planned unit development (PUD) overlay district, regardless of the underlying zoning district, unless expressly permitted as part of an approved development plan by the metropolitan council; and in the CS district for uses classified as Automobile repair, Automobile sales, used; Car wash and Vehicular sales and services limited. Type I billboards are prohibited in the CL district. Type II billboards in the CL district shall be limited to those areas of a lot which are within three hundred feet of the right-of-way of a controlled access highway, and all billboards shall be oriented towards that highway.

Section 19. 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:

  
Councilmember Walter Hunt

APPROVED ON <sup>A(8-0)</sup> February 14, 2013 BY THE  
METROPOLITAN PLANNING COMMISSION.

  
EXECUTIVE DIRECTOR & SECRETARY