FORM-BASED CODES AND HISTORIC PRESERVATION:
THREE NASHVILLE CASE STUDIES

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Table of Contents

Acknowledgments...........................................................................................................ii
List of Figures....................................................................................................................iv
Chapter 1: Introduction......................................................................................................1
  Methodology...................................................................................................................5
  Literature Review...........................................................................................................7
Chapter 2: Evolution of Land Development Regulations..............................................12
  History of United States Zoning..................................................................................12
  Problems of Single-Use Zoning and the New Urbanism Response.........................17
  History of Form-Based Codes.....................................................................................20
  The Protection of Historic Character and Aesthetics.................................................27
Chapter 3: Form-Based Planning in Nashville...............................................................37
  Community Planning.................................................................................................38
  Urban Zoning Overlay...............................................................................................41
  Urban Design Overlay...............................................................................................43
  The Nashville Civic Design Center............................................................................44
  The Downtown Code...................................................................................................47
  Historic Preservation in Nashville.............................................................................50
Chapter 4: Three Nashville Case Studies.....................................................................53
  Hillsboro Village Urban Design Overlay..................................................................53
  2nd and Broadway Subdistrict of the Downtown Code.............................................68
  Core Historic Subdistrict of the Downtown Code...................................................81
Chapter 5: Form-Based Codes and Historic Preservation.............................................94
Bibliography....................................................................................................................99
Appendix 1: Hillsboro Village Design Guidelines.......................................................105
Appendix 2: Nashville Downtown Code.......................................................................122
## List of Figures

- **Figure 1:** Illustration comparing zoning, guidelines, and form-based codes…35
- **Figure 2:** Map of Nashville’s fourteen Communities……………………………………38
- **Figure 3:** Nashville Downtown Code Regulating Plan…………………………………48
- **Figure 4:** View of 21st Avenue, Hillsboro Village, Nashville…………………………53
- **Figure 5:** Map showing location of Hillsboro Village in relation to Downtown……54
- **Figure 6:** Aerial view of the Hillsboro Village Urban Design Overlay………………55
- **Figure 7:** Map of Hillsboro Village UDO sub-districts………………………………62
- **Figure 8:** Hillsboro Village Sub-district 1A………………………………………………63
- **Figure 9:** Hillsboro Village Sub-district 2B………………………………………………63
- **Figure 10:** Hillsboro Village Sub-district 1C…………………………………………….64
- **Figure 11:** Hillsboro Village Sub-district 3A………………………………………………64
- **Figure 12:** Example of rehabilitation within Hillsboro Village………………………..66
- **Figure 13:** Example of adaptive reuse within Hillsboro Village…………………….66
- **Figure 14:** View of Broadway at 4th Avenue, Nashville………………………………69
- **Figure 15:** Aerial view of 2nd and Broadway Subdistrict……………………………70
- **Figure 16:** Map of 2nd and Broadway Subdistrict……………………………………75
- **Figure 17:** Example of historic building types on Broadway………………………….76
- **Figure 18:** Example of inappropriate rehabilitation on Broadway…………………….77
- **Figure 19:** Example of historic building types on 2nd Avenue…………………………..77
- **Figure 20:** Example of inappropriate rehabilitation on 2nd Avenue…………………..78
- **Figure 21:** View of 3rd Avenue, Nashville…………………………………………………82
- **Figure 22:** Aerial view of Core Historic Subdistrict……………………………………83
- **Figure 23:** Map of Core Historic Subdistrict………………………………………….87
- **Figure 24:** Example of historic building types in the Core Historic Subdistrict……88
- **Figure 25:** View of Printers Alley…………………………………………………………..89
- **Figure 26:** Example of historic building types in the Core Historic Subdistrict……89
- **Figure 27:** View of variety of architecture within the Core Historic Subdistrict……90
Form-based codes (FBCs) have emerged in the past thirty years as an alternative to conventional zoning. These codes focus on the physical form of buildings as their main organizing factor rather than the separation of uses as conventional zoning often does. FBCs emerged after increasing dissatisfaction with the single-use ‘Euclidean’ zoning that helped to create sprawling, automobile-dependant suburbs throughout the twentieth century, which have contributed to the loss of character in historic urban areas.

In 1981-1982, the design team of Andres Duany and Elizabeth Plater-Zyberk developed the master-planned community of Seaside, Florida in which they created a traditional mixed-use, pedestrian-friendly community. They reflected on the way urban areas traditionally developed before single-use zoning began separating uses and changing the character of urban areas. Seaside was extremely successful and soon many other new urban communities were created. These theories also were applied to existing urban neighborhoods. In 1993, the Congress for New Urbanism (CNU) was founded,

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with Duany and Plater-Zyberk among its founders.\textsuperscript{2} CNU promotes the restoration of existing urban centers and the restructuring of suburban sprawl to create diverse, pedestrian-friendly, sustainable communities.\textsuperscript{3} It is from these ideas that form-based codes were born. Seaside can still be considered the first form-based code, though it was a private code, not yet public zoning.

Form-based codes are “a method of regulating development to achieve a specific urban form. Form-Based Codes create a predictable public realm primarily by controlling physical form, with a lesser focus on land use, through city or county regulations.”\textsuperscript{4} These codes focus on the relationship between buildings and the public realm, the relationships of buildings to one another, and the scale of and the types of streets. They also can address architectural style, materials, and other aesthetic elements. FBCs commonly include a regulating plan, public space standards, building form standards, an administration section, and definitions, but can also include other elements based on a community’s needs.\textsuperscript{5} Form-based codes are written to achieve a specific community vision and therefore encourage public involvement.\textsuperscript{6}

\textsuperscript{5} Form-Based Codes Institute, “What Are Form-Based Codes?,” Form-Based Codes Institute, http://www.formbasedcodes.org/what-are-form-based-codes (Accessed September 2010).
\textsuperscript{6} Typically public charrettes and public meetings are part of the design process so that the form-based code is based on the community’s plan.
Traditionally, design guidelines have been used to protect the character of locally designated historic neighborhoods. Form-based codes offer some protection that design guidelines may not, as they are more regulatory. They also address the entire built environment, including the relationship between buildings, the network of streets, building types, public space features, and many other factors that design guidelines often do not regulate. There are other benefits of form-based codes that will be discussed in subsequent chapters. That being said, this thesis does not propose that locally designated historic districts with design guidelines should be abandoned; form-based codes are simply a new tool that preservationists should explore, whether to be used on their own or in conjunction with existing design guidelines.

Based on their utility to regulate the form and design of the built environment, it seems that form-based codes should go hand-in-hand with historic preservation. Yet, nothing has been written that exclusively addresses whether or not form-based codes can successfully be used to maintain and preserve the character of historic areas. This thesis explores that possibility. With their focus on creating a specific urban form that looks to historic patterns of development as well as their ability to dictate architectural standards, form-based codes can work well to protect the character of historic areas. This thesis evaluates their effectiveness by focusing on the evolution of form-based land development regulations in Nashville, Tennessee.

Davidson County was divided into fourteen ‘Communities’ so that future development could be planned on a community scale. Each Community has a Community Plan and a Detailed Neighborhood Design Plan to shape its zoning. Urban Design Overlays (UDOs) are another tool Nashville has adopted; these require specific design standards for development in designated areas within the fourteen ‘Communities’. These overlays are used to protect the pre-existing character of these areas or to create a character that would not otherwise be guaranteed by the development standards of the base zoning district.

The guidelines for each UDO focus primarily on the form and design of buildings, rather than their permitted uses. The UDOs are mostly adopted in more up-and-coming areas to guide future growth, but some are in place in existing communities. One example is the Hillsboro UDO, which was adopted to maintain the historic character of an early-twentieth-century commercial district. These UDOs are not straightforward form-based codes; they are zoning overlays with design guidelines that employ many of the same principles as form-based codes.

In February of 2010, the Nashville Metropolitan Council approved the Downtown Code, a new form-based code for the downtown area. It was adopted to implement the “Downtown Community Plan: 2007 Update.” The Downtown Code identifies multiple

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distinct neighborhoods within Downtown, with regulations to maintain the unique character and scale of each neighborhood. This form-based Downtown Code focuses primarily on form rather than use, as in the UDOs. Two historic areas regulated by the new Downtown Code are the 2nd and Broadway Subdistrict and the Core Historic Subdistrict.

This thesis focuses on the Hillsboro Village Urban Design Overlay, as well as the 2nd and Broadway and the Core Historic Subdistricts of the Downtown Code; the land development regulations in these three areas are form-based and are written with the intent of protecting the existing historic fabric and encouraging compatible infill. By looking at the evolution of form-based land development regulations in Nashville, this thesis evaluates form-based codes’ potential for success and their current perceived success in order to make general conclusions about the relationship between form-based codes and historic preservation.

Methodology

The majority of my research revolved around case studies for three historic areas of Nashville, Tennessee and the form-based codes that were written and implemented to maintain the character of these areas. I decided to focus my research on Nashville due to the evolving effort of the Metropolitan government there to implement form-based land development regulations, and because of Nashville’s proximity to Indiana. I was somewhat limited in options for case studies since form-based codes are still rather new in the Midwest. While Nashville’s Downtown Code was only adopted in February of 2010, its potential to succeed could at least be determined, as well as its perceived
success by Nashville planners and preservationists. I chose my three case studies within
Nashville because they each offered something different in terms of studying how form-
based codes can work as a preservation tool. The Hillsboro Village UDO is an example
of a historic neighborhood that chose to adopt a form-based code rather than be locally
designated with historical zoning. The 2nd and Broadway subdistrict is an example two
local historic districts with historic zoning overlays, combined to create this subdistrict,
that have a form-based code as base zoning. The Core Historic subdistrict is an example
of a historic area that is not locally designated with historic zoning, so the form-based
code was written to encourage rehabilitation rather than demolition.

Once I chose my three case studies, I did online research using Nashville’s
government website, which is very informative regarding the Planning Department. It
contains many important planning documents that are accessible to the public as well as
information on the various types of districts created under and regulated by the city’s land
development regulations. My next step was to travel to Nashville to visit my case
studies. While there I also met with two planners at the Nashville Metropolitan Planning
Department, Rebecca Ratz and Joni Priest. I discussed my three case study areas with
them as well as Nashville’s overall planning strategy and how it has taken a form-based
approach. After this meeting I had good insight into how these city planners viewed
form-based codes and historic preservation. I later interviewed Rick Bernhardt,
Executive Director of the Metropolitan Planning Department, and Tim Walker, Executive
Director of the Metropolitan Historical Commission, via email correspondence. From
my interviews I gained a good perspective on how these planners and preservationists
viewed form-based codes and their relationship to preservation.
In addition to research directly related to my case studies, I also focused on form-based codes and their history, traditional zoning and what preceded form-based codes, and the history of protecting historic buildings and aesthetics in the United States. Using this information as a base and then analyzing my case studies in depth, I was able to draw conclusions about form-based codes and how they can be used as a preservation tool.

**Literature Review**

Though form-based codes (FBCs) emerged out of the New Urbanism movement in the 1980s and 1990s, they still are a relatively new idea and there is a limited body of literature on them. Carol Wyant first coined the term ‘form-based code’ in 2001, but the earliest implementation of a form-based could be considered to be the 1981 planned community of Seaside, Florida. The Form-Based Codes Institute (FBCI), which Wyant helped found in 2004, was founded by leading practitioners in the areas of planning, urban design, architecture, law, and public policy. This group sets standards for FBCs, educates the public about them, and creates a forum for discussion about the topic. Their website, http://www.formbasedcodes.org, is one of the leading resources available on form-based codes. The site features resources directly from the FBCI such as a definition of FBCs, the key advantages of FBCs, and a checklist for how to identify FBCs, as well as outside resources in the form of links to books, articles, and examples of code documents. The FBCI also offers a variety of courses on form-based codes as well as annual awards for the writing and implementation of FBCs.

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11 Form-Based Codes Institute, “History,” Form-Based Codes Institute, http://www.formbasedcodes.org/history (Accessed September 2010).
Founding board members of The Form-Based Codes Institute, Daniel G. Parolek, Karen Parolek, and Paul C. Crawford, published *Form-Based Codes: A Guide for Planners, Urban Designers, Municipalities, and Developers* in 2008. This book was the first comprehensive guide to FBCs and features a step-by-step guide to writing FBCs, as well as several case studies of successful FBCs. The book provides an introduction to what FBCs are and why they are important, an overview of U.S. zoning prior to FBCs, detailed information on all the components of an FBC and how to write one, and finally, ten case studies of FBCs that have been successfully implemented.

The Michigan Chapter of the Congress for the New Urbanism also published a book on form-based codes called *Form-Based Codes in 7 Steps: The Michigan Guidebook to Livability* in 2010. This guidebook to form-based codes provides a step-by-step guide for Michigan communities on how to plan, write, and implement FBCs, as well as examples of existing ones. While this book is geared towards communities in Michigan, it could serve as a good guide to FBCs anywhere.

Besides these two major publications, the main sources available on form-based codes are short journal or magazine articles and online articles. Most of these articles give an overview of what form-based codes are, what they can achieve, and examples of case studies. “The Future of Zoning?” by Ed Tombari, AICP; “Place Making with

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13 Parolek, Parolek, and Crawford, *Form-Based Codes: A Guide to Planners, Urban Designers, Municipalities, and Developers*
Form-Based Codes” by Mary E. Madden and Bill Spikowski\textsuperscript{16}; and “A New Kind of Zoning: Communities of All Sizes are Adopting Form-Based Codes” by Brad Broberg\textsuperscript{17}
are just three of many examples that do this. “Form-Based Codes: Implementing Smart Growth” put out by the Local Government Commission\textsuperscript{18} is another article that does this, but it also briefly discusses how to prepare an FBC.

Some articles take a more specific angle when discussing form-based codes, such as “The Advent of Form-Based Codes: A Critical Time to Ensure Mixed Income Communities” by Jaimie Ross\textsuperscript{19}, which looks at how form-based codes can create opportunities for affordable housing. One article that takes a more in-depth look into the historic basis for form-based codes is “Design by the Rules: The Historical Underpinnings of Form-Based Codes,” by Emily Talen\textsuperscript{20}. In this article, Talen puts FBCs into a broad historic context of codes to see what is new about them and how they follow in the steps of historic development codes. The author comes to the conclusion that FBCs blend old and new approaches; they relate back to thousands of years of historic codes but must balance several elements in order to work for today.

\textsuperscript{16} Mary Madden and Bill Spikowski, “Place Making with Form-Based Codes,” \textit{Urban Land}, September, 2006.
\textsuperscript{18} Dave Davis, editor, “Form-Based Codes: Implementing Smart Growth,” \textit{Local Government Commission}, no date.
One article that relates form-based codes to historic preservation is “Form-Based Mainstreet Zoning: Bringing New Urbanism to Main Street” by Nick Kalogeresis. This article was featured in the National Trust for Historic Preservation’s Main Street Center’s monthly journal. Like many other articles about form-based codes, it includes an introduction to the topic as well as the components of FBCs. What makes this article significant, though, is that it discusses how form-based codes can work for historic Mainstreet communities and help them achieve their downtown revitalization goals. It provides brief examples of Albuquerque, New Mexico and Arlington County, Virginia, which have adopted FBCs that encourage the preservation of historic fabric. This appears to be one of the only available resource that specifically addresses how FBCs could work in historic areas.

Several online resources exist in the form of websites for organizations that study and promote form-based codes and related areas of interest. Some of these organizations include The Congress for New Urbanism, New Urban News, The American Planning Association, The Urban Land Institute, Planetizen, and SmartCode Central. These

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and many others offer information and news, articles, and links to more information on form-based codes and other related urban planning issues.

Form-based codes have been a popular topic for Master’s theses in recent years. Many urban planning and landscape architecture students have studied and written about the emergence of form-based codes, their potential for success, and their application in various case studies. It does not appear that any theses have been written that exclusively relate form-based codes with historic preservation.

The body of literature on form-based codes is not extensive, yet it continues to grow as these codes gain recognition as an emerging topic. While many sources on FBCs briefly mention that they should work well alongside historic preservation (Madden and Spikowski; Parolek; Katz; Parolek, Parolek, Crawford; Polyzoides; and Kettren), no one has exclusively studied whether or not they actually do work together to preserve historic areas. This thesis attempts to fill that void as well as add to the continuously growing body of literature on form-based codes.

Evolution of Land Development Regulations
Up to and Including Form-Based Codes

Form-based codes are radically different from the single-use ‘Euclidean’ zoning that has dominated in the United States beginning in the 1920s. This chapter will look at the history of zoning in the United States, some of the perceived problems caused by single-use Euclidean zoning, and the ideas of New Urbanism, which emerged as a solution to traditional zoning and lead to form-based codes. This chapter is not intended to be an all-inclusive history of these phases of land development regulations, but it provides an overview and background information that will set the stage for the discussion of form-based codes.

History of United States Zoning

Since the early twentieth century, zoning has been the most common land use control used by cities and suburbs. Edward Bassett, the “father of zoning”, defined
zoning as “the division of land into districts having different regulations.”\textsuperscript{30} Prior to zoning, land use controls were based around nuisance laws, which held that “no property should be used in such a manner as to injure that of another owner,”\textsuperscript{31} and the use of police power. In 1824 with \textit{Gibbons v. Ogden}, 22 \textit{U.S.} 1 (1824) the Supreme Court recognized that the states have ‘police powers’ that they can use to protect the general welfare, safety, morals and health of its citizens.\textsuperscript{32}

There were many circumstances in nineteenth-century cities, though, that lead to the need for zoning, which went beyond nuisance law and police power. One of the main factors was the concern about public health problems, which were caused by overcrowded cities, often due to the large influx of immigrants.\textsuperscript{33} Another factor was advances in building technology, including the elevator and steel framing, which allowed for much taller buildings than ever before.\textsuperscript{34} These two factors made it necessary for cities to have a way of regulating the new building types that were emerging as well as the increased number of people. The other major factor that contributed to the need for zoning at this time was the desire to protect the character of the newly-created suburbs.\textsuperscript{35} Advances in transportation had allowed for people to live farther and farther away from city centers where they could escape the blight of the cities. Zoning was the perfect way

\textsuperscript{32} Chad Emerson, \textit{The SmartCode Solution to Sprawl} (Washington, D.C.: Environmental Law Institute, 2007), 19.
\textsuperscript{33} Cullingworth, \textit{Planning in the USA}, 64.
\textsuperscript{34} \textit{Ibid}.
\textsuperscript{35} \textit{Ibid}.

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to exclude any unwanted uses or building types that people believed would detract from the single-family character of the suburbs.\textsuperscript{36}

Several U. S. cities experimented with early examples of zoning in the early twentieth century, but the first city to adopt a modern comprehensive zoning ordinance was New York City in 1916.\textsuperscript{37} The New York City Building Zone Resolution of 1916 established three different ‘use’ districts: residential, business, and unrestricted. Each of these districts had three different maps with three separate regulated elements: use of land and buildings, height of buildings, and the percentage of a lot that could be occupied by a building.\textsuperscript{38} The creation of these districts with different regulations for each, allowed for the separation of different land-uses. This regulation on building form as well as the separation of incompatible uses was radical for its time.

There were other laws and court decisions that served as early land use controls, but prior to New York City’s zoning, there were no comprehensive zoning ordinances that fully regulated land use. The validity of this ordinance was challenged in 1920, but the New York Court of Appeals upheld the ordinance as a valid use of the city’s police powers.\textsuperscript{39} After this, the New York City ordinance would serve as a model for other cities. Within ten years, over 550 municipalities adopted zoning ordinances,\textsuperscript{40} and by 1926 all but five of the then forty-eight states had adopted zoning enabling acts.\textsuperscript{41}

\textsuperscript{36} \textit{Ibid}.
\textsuperscript{38} \textit{Ibid}.
\textsuperscript{39} The case was \textit{Lincoln Trust Co. v. Williams Bldgs. Corp.}, 128 N.E. 209 (N.Y. 1920); Mandelker, \textit{Planning and Control of Land Development}, 218.
\textsuperscript{40} Emerson, \textit{The SmartCode Solution to Sprawl}, 22.
\textsuperscript{41} Mandelker, \textit{Planning and Control of Land Development}, 218.
In 1924, a committee of the United States Department of Commerce took its first major step towards encouraging single-use zoning as the predominant legal power for regulating land use by publishing the *Standard Zoning Enabling Act* (SZEIA). This was not an act of Congress, as the power to regulate lies with the states, but a publication put out by the Advisory Committee on City Planning and Zoning, which was appointed by Secretary of Commerce Hoover. This document would serve as a model for zoning so that states would write and adopt more consistent and uniform ordinances that would hold up better in court. The SZEIA set up a process for municipalities to follow to create zoning systems that granted local governments power to regulate land use and a proper system for implementing the regulations. It also set up a way to promote single-use zoning. Section 1 of the SZEIA permitted local governments to regulate “the location and use of buildings, structures, and land for trade, industry, residence, and other purposes,” while Section 2 permitted the local government to divide municipalities into ‘districts’ that each had their own type of regulated land uses. This allowed for a strict separation of uses, which appealed to many people at this time. By 1930, thirty-five states had already adopted a version of the SZEIA. In 1928 the same Advisory Committee published the Standard City Planning Enabling Act, which again was a publication of the Commerce Department, not an act of Congress. This Act “outlined the establishment of a planning commission to draft a master plan, street plans, controls for

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42 Emerson, *The SmartCode Solution to Sprawl*, 23.
43 Cullingworth, *Planning in the USA*, 70-71.
44 Emerson, *The SmartCode Solution to Sprawl*, 23.
46 Ibid.
the subdivision of land, and even the need for regional planning”\textsuperscript{47}. By 1930, ten states had adopted statutes based on the Planning Enabling Act. Both of these publications, while not required for cities to follow, effectively promoted city planning and zoning.\textsuperscript{48} These acts would continue to shape the way local governments controlled land and separated uses.

Another major step in the promotion of single-use zoning was with the Supreme Court’s decision in the \textit{Village of Euclid v. Ambler Realty Co.}, 272 US 365 (1926) in 1926. The Supreme Court sided with Euclid when Ambler Realty Company contended that the city’s single-use zoning ordinance violated the Fourteenth Amendment and restricted the use of their own land. While the Court did recognize some inherent problems with strict single-use zoning, it ultimately sided with the city, stating that the ordinance was a valid use of police powers to protect the health and safety of the community.\textsuperscript{49} The Court did not address all of the issues related to single-use zoning that could emerge from separating all other uses from residential districts, but simply used an across-the-board rationale that validated single-use zoning through police powers.\textsuperscript{50} This decision ensured that single-use, from there on after known as ‘Euclidean’, zoning would become the predominant regulatory tool in the country. After the \textit{Euclid} decision, land uses became increasingly separated and regulated. This trend would continue in the years to follow and would take off after World War II.

\textsuperscript{48} Ibid.
\textsuperscript{49} The case actually was a close decision; it was decided by only one vote and that was after the Court agreed to rehear the case.
\textsuperscript{50} Emerson, \textit{The SmartCode Solution to Sprawl}, 29.
**Problems Caused by Single-Use Zoning and the New Urbanism Response**

While single-use zoning is traditionally portrayed as only regulating the separation of land uses, it is important to point out that it has been concerned with the form of buildings as well. The New York City Building Zone Resolution of 1916, the first comprehensive zoning ordinance, did regulate the height of buildings and the allowable space the footprint of a building could take up. Since then, Euclidean zoning ordinances have often regulated the height, setback, floor-area-ratio, and other form-related aspects of buildings. Many of these regulations are over-looked when proponents of form-based codes discuss single-use zoning.

With that said, due in part to single-use zoning and in part to a shift in mentality after World War II, many urban areas became increasingly undesirable and neglected by the mid-twentieth century. Andres Duany, Elizabeth Plater-Zyberk, and Jeff Speck discuss this in *Suburban Nation: The Rise of Sprawl and the Decline of the American Dream*. As they describe it, “Somewhere along the way, through a series of small well-intentioned steps, traditional towns became a crime in America.” The cities began to die as many people desired the quiet, healthy environment they believed suburbia would give them, much like how the first-ring suburbs of the nineteenth century were created in response to urban conditions.

Besides moving people out of the cities, the suburbs also increased the populations’ dependence on the automobile, as suburbs were anything but pedestrian-friendly places. Newly developed areas were no longer naturally developing the way

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52 Ibid, xi.
urban areas had in the past. With residential zones completely separated from other uses, caused in part by single-use zoning, the idea of a main street or a downtown was disappearing. People were forced to drive everywhere, and the need for parking added to the destruction of existing commercial areas. Streets became wider and buildings were set back, often to accommodate parking lots in front of them. Large expansive parking lots located in front of commercial stores led to the end of welcoming streetscapes and pedestrian-friendly streets. This new pattern of development had a negative impact on many historic areas, as it had little regard for the existing built environment and how it had developed. This pattern of sprawl continues today, though many people are beginning to change their way of thinking about the kinds of places they want to live and work in.  

In response to what many people view as the problems caused by single-use or Euclidean zoning, a movement known as New Urbanism emerged in the 1980s. New Urbanism borrows heavily from traditional city planning to create modern compact communities. In 1981-1982, the design team of Andres Duany and Elizabeth Plater-Zyberk designed the master-planned community of Seaside, Florida that aimed to create a traditional mixed-use, pedestrian-friendly community. In their design they looked back to the way urban areas traditionally developed before single-use zoning began separating uses and changing the character of urban areas. Seaside, which can be seen as the first New Urbanist community, was a success and soon other similar communities were being planned. While initially New Urbanists looked to create new communities that harkened

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53 While these ideas about sprawl are espoused by Duany, Plater-Zyberk and Speck, and partially shared by this author, not all urban planners and designers agree with them.
back to traditional neighborhoods, these same theories of Traditional Neighborhood Development (TND) were soon being applied to existing but deteriorating urban neighborhoods. TND principles include “compact, pedestrian-oriented development…; parking hidden behind buildings; attractive architecture appropriately scaled for its setting; and streets and sidewalks conducive to pedestrian activity,”\(^{54}\) which all characterize pre-Euclidean zoning urban development. TND takes a regional approach, where building forms and development pattern are adopted based on the region in which the development is located.

In 1993, the Congress for New Urbanism (CNU) was founded. Duany and Plater-Zyberk were among its founders, along with Peter Calthorpe, Elizabeth Moule, Stefanos Polyzoides and Dan Solomon. CNU promotes Traditional Neighborhood Development in order to restore the existing urban centers and restructure suburban sprawl to create diverse, pedestrian-friendly, sustainable communities.\(^{55}\) Their *Charter of the New Urbanism*, adopted in 1996, states that the CNU “seeks to support an American movement to restore urban centers, reconfigure sprawling suburbs, conserve environmental assets, and preserve our built environment.”\(^{56}\)

Proponents of New Urbanism look to solve problems of “the placelessness of modern suburbs, the decline of central cities, the growing separation in communities by race and income, the challenges of raising children in an economy that required two incomes for every family, and the environmental damage brought on by development that

\(^{54}\) Kalogeresis, “Form-Based Zoning: Bringing New Urbanism to Main Street,” 3.


requires us to depend on the automobile for all daily activities." \cite{Ibid, 1}

New Urbanism focuses on the design and form of buildings, buildings’ relationships to one another, and the streetscape and public realm. It emphasizes mixed-use urban communities with a variety of architecture and building forms. With New Urbanism came the reemergence of buildings types (townhouses, duplexes, accessory units, etc) that had been unpopular since the early twentieth century \cite{Peter Katz, “Form First: The New Urbanist Alternative to Conventional Zoning,” ix.} and a refocusing on pedestrians by making communities walkable.

It is with these beliefs that form-based thinking and ultimately form-based codes emerged. Form-based codes put New Urbanism principles into action. These codes create the mixed-use, pedestrian-friendly, traditional communities that the New Urbanists promote. When applied to established neighborhoods, they can help preserve the existing urban fabric by regulating new development so that it follows the historic patterns of development for that area. Form-based codes can also include architectural standards for new development, which allow for design compatibility with the existing built environment in that area. This ability to maintain the character of historic areas makes form-based codes an important tool that preservationists should begin to utilize.

**History of Form-based Codes**

This section provides a deeper look into what form-based codes really are and an overview of their history. The Form-Based Codes Institute offers a detailed definition of form-based codes: “Form-based codes foster predictable built results and a high-quality

\cite{Ibid, 1}

public realm by using physical form (rather than separation of uses) as the organizing principle for the code. Today these codes are often adopted into city or county law as regulations, not mere guidelines. Form-based codes are an alternative to conventional zoning. Form-based codes address the relationship between building facades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks."59 Their focus on form rather than use and their ability to produce new development that is compatible with the existing urban form is what makes form-based codes a good tool for preservationists.

The Form-Based Codes Institute has established the components that its members believe all form-based codes should have: a Regulating Plan, Public Space Standards, Building Form Standards, Administration, and Definitions.60 A Regulating Plan acts like a map and designates the specific physical areas to which each section of the regulations apply, based on community input. Public Space Standards regulate the elements within the public areas. Building Form Standards define the physical form of the built environment by establishing specific physical and use parameters for each zone. Administration includes a clearly defined and thorough process for applications and review of projects. Definitions are a specific list of defined terms to make sure everyone uses the same terminology and to help interpret the law in cases of dispute. Other components that may be included are Architectural Standards, Landscaping Standards, Signage Standards, Environmental Resource Standards, and Annotation.61 These

60 Parolek, Parolek, and Crawford, Form-Based Codes, 15.
61 Ibid, 16.
secondary standards can be included to help tailor a form-based code to meet the needs and vision of a community. While the FBCI has decided on all of these components as necessary for a code to be considered a definite form-based code, it is important to note that there are land development codes that may not exactly meet these requirements, yet have the same goals and can achieve the same desired effects. The Form-Based Codes Institute has emerged as the main authority on form-based codes, but those writing form-based codes are not required to follow the standards they have established.

While form-based codes are still a relatively new idea, they have been adopted in many cities across the country and have experienced increased popularity in recent years. They started out in master-planned, new developments as private codes and were soon adopted in established communities and written as public codes; in recent years they have even been adopted at a city-wide basis. Andrés Duany, one of the designers behind the first ever form-based code at Seaside, Florida in 1981-1982, created “SmartCode”, a free model zoning document that employs Traditional Neighborhood Design principles as well as the “transect” in 2003. The transect is an urban planning model that identifies a progression of zones from rural to urban as a template for regulating places. SmartCode is meant to be easily adaptable by planners to create a form-based code to meet the needs of their specific community. There are many cities across the country that have adopted form-based codes using the SmartCode template, but there also are many codes that have been adopted that are not based on this model. As of April 2010, 294

62 Kalogeresis, “Bringing New Urbanism to Main Street, 3.
Form-based codes have been adopted or are being proposed or in the process of being written in the United States and Canada.\textsuperscript{64}

Form-based Codes were first seen in the southeast, beginning with private codes such as at Seaside and spreading to other parts of Florida and other nearby states, as well as to the West coast. Soon after they designed Seaside, Duany and Plater-Zyberk began adapting form-based codes to fit within the framework of a planned-unit development, one example being The Kentlands in Gaithersburg, Maryland, created in 1989.\textsuperscript{65} These were the first examples of form-based codes being adopted into public zoning. Many cities and counties also adopted Traditional Neighborhood Development ordinances, a type of form-based code, in the 1980s and 1990s; examples include Key West, Florida; Dade County, Florida; and Belmont, North Carolina.\textsuperscript{66} FBCs gained much popularity in the 2000s, spreading to other sections of the country, though concentration of them is still greatest in the southeast on the west coast.

Form-based codes typically fall under three categories for how they fit into a city’s land development regulations: they can regulate a specific area but are part of an overall master plan, they can be floating zones that are not attached to a specific area but can be adopted once those standards are met, or they can be adopted at a city-wide basis and regulate all development.\textsuperscript{67} There are now examples of all three of these types across the country as form-based codes have gained popularity. A successful example of a


\textsuperscript{65} Katz, “Form First,” np.

\textsuperscript{66} Parolek, Parolek, and Crawford, Form-Based Codes, 10.

\textsuperscript{67} David Walters, Designing Community: Charrettes, Master Plans, and Form-Based Codes (Boston: Elsevier Architectural Press, 2007), 97.
form-based code that regulates a specific area and is tied to a master plan is the 2007 Downtown Specific Plan for San Buenaventura (Ventura), California.\textsuperscript{68} The 2005 General Plan was written to allow for form-based codes to regulate the entire city; while a city-wide FBC was originally planned, the city has since adopted four form-based codes for four specific areas within the city that fit into the existing conventional zoning.\textsuperscript{69} The form-based code for the downtown area was the first one adopted and offers clear standards that ensure good-quality infill and a walkable downtown.\textsuperscript{70} The code also includes design standards and guidelines so that infill will be compatible with the existing historic fabric of the downtown. Ventura’s Downtown Specific Plan proved to be a success in August of 2010 when the first new building produced under the code was erected.\textsuperscript{71} The building is a four-story office and retail building that blends well with the surrounding architecture and urban form.

An example of a floating form-based code can also be found in Ventura. The Wells and Saticoy Development Code,\textsuperscript{72} which was adopted in 2009, includes three form-based codes that aim to create more urban development for the fifty percent of undeveloped land in the community.\textsuperscript{73} The land that is already developed is mostly

\textsuperscript{70} Parolek, Parolek, and Crawford, \textit{Form-Based Codes}, 291.
\textsuperscript{73} Rangwala Associates, Saticoy Wells Community Plan and Code,” Rangwala Associates,
suburban, so that code aims to create new neighborhoods that blend with the existing suburban areas yet they themselves are more urban and compact. The FBCs include optional or floating zones that contain standards that may be adopted by request of an owner. These optional standards let owners in the already-developed suburban areas adopt form-based standards to allow for more compact and urban development that will transition better with the future urban infill of the undeveloped areas.\footnote{http://www.rangwalaassoc.com/Portfolio/Formbasedcodes/SaticoyWells/SaticoyWells.htm (Accessed February 2011).}

The first example of a city-wide form-based code is the Miami21 Code, adopted in May of 2010.\footnote{Ibid.} This form-based code completely replaced the conventional zoning of the entire city with the goals of maintaining the existing neighborhoods while still allowing for new growth and redevelopment within the built-out city.\footnote{City of Miami, “Miami 21 Code,” Adopted by the City Commission May 13, 2010.} The code is based on the transect, with further divisions into sub-zones that allow for diversity within the city’s many neighborhoods.

Despite the popularity and apparent success of form-based codes over the last few decades, there are critics who raise valid points about the shortcomings of these codes and New Urbanism in general. One criticism is that form-based codes and New Urbanism look to recreate urbanism of the past, yet this development in the past was a natural and spontaneous occurrence; it is not possible to recreate the past through form and design because there were economic, demographic, and social elements that all

shaped and influenced development in the past.\textsuperscript{77} Related to this is the idea that there are alternative views of the past and form-based codes are only using one view to shape the future. Another criticism is that while form-based codes are supposed to be based on a community vision, this process may not include disadvantaged groups within a community and lead to them being further isolated.\textsuperscript{78} All of these criticisms are related to social issues and all are valid concerns that should be considered by municipalities looking to adopt form-based codes.

There are some legal criticisms of form-based codes that have been raised in recent years as well, though these have been disproven. One major legal critique is whether or not form-based codes are even legal based on enabling legislation. Only a few states (California, Pennsylvania, Wisconsin, and Connecticut) have adopted some form of legislation that enables local governments to regulate based on form or design rather than use.\textsuperscript{79} The question raised, then is if form-based codes in the other forty-six states are legal. Most enabling legislation in this country is still based on the Standard State Zoning Enabling Act of 1926, so this question can be answered by looking at what the SSZEA allows for regulations. The SSZEA, as adopted and incrementally modified by each state over the years, allows local governments to regulate height, number of stories, and size; lot coverage; yards, courts, and other open spaces; density; and, location and use of structures and land. The ability to regulate these elements supports regulation based on


\textsuperscript{78} Ibid.

\textsuperscript{79} Robert Sitkowski and Brian Ohm, “Form-Based Land Development Regulations,” \textit{The Urban Lawyer}, Winter 2006, 165-166.
form and not just use, and grants local governments the power to consider the form of
development when regulating.\textsuperscript{80} Another legal criticism of form-based codes is that they
do not satisfy substantive due process because they do not advance a legitimate
government interest that serves to protect public health, safety, morals, and general
welfare.\textsuperscript{81} Form-based codes do meet this test though because regulation based on
aesthetics as well as the maintenance of the public realm has been upheld.\textsuperscript{82} Form-based
codes also satisfy procedural due process because they are detailed and prescriptive
enough that people know exactly what is required of them and the approval process is
very clear.\textsuperscript{83} As form-based codes continue to gain popularity and be adopted by more
municipalities, additional criticisms will most likely be raised, so it is important that their
legality can clearly be established.

The Protection of Historic Character and Aesthetics in the United States

Since this thesis is studying the relationship between form-based codes and
historic preservation, it is important to discuss how historic buildings have traditionally
been preserved.\textsuperscript{84} The protection of historic resources has been an important movement
in America since the 1800s. It began with private attempts to save historic buildings,

\textsuperscript{80} Ibid, 166.
\textsuperscript{81} Ibid, 168.
\textsuperscript{82} Cases include \textit{Berman v. Parker}, 348 U.S. 26 (1954) and \textit{City of Los Angeles v. Tax-
payers of Vincent}, 466 U.S. 784 (1984); cited in Sitkowski and Ohm, “Land-
Development Regulations,” 169.
\textsuperscript{83} Ibid, 170.
\textsuperscript{84} The term ‘historic’ is typically used when discussing historic preservation and related
activities, but the term ‘historical’ is used as well throughout this thesis. This
inconsistency reflects Nashville’s Metropolitan Planning Department and Metropolitan
Historical Commission’s interchanging use of these two terms.
such as Ann Pamela Cunningham and the Mount Vernon Ladies’ Association who purchased and saved George Washington’s home, Mount Vernon, in the 1850s. There were other similar private attempts in the nineteenth century such as by the National Society of Colonial Dames of American and William Sumner Appleton, but the Federal government did not get involved until 1906 with the Antiquities Act (16 U.S.C. 431-433). This act was the first U. S. law to provide protection for cultural or natural resources.  

The federal government continued its involvement with the protection of historic resources with the Historic Sites Act of 1935 (16 U.S.C. 461-467) and with the Federal Historic Preservation Act of 1966 (16 U.S.C. 470), the most important piece of historic preservation legislation. This act established the federal government’s, the states’, and local governments’ roles in preservation, establishing the National Register of Historic Places, State Historic Preservation Offices, Section 106 Review, and the Advisory Council on Historic Preservation. While it is significant that the federal government established such a strong position in favor of preservation, the strongest protection for historic resources comes at the local level, which will be discussed in subsequent paragraphs.

Around the same time that the federal government began taking a role in protecting historic resources, cities began adopting early land-use controls to protect

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aesthetics: New York implemented an 80-foot height limit for residential buildings in 1888, Baltimore implemented a 70-foot height limit to protect the character of its commercial areas and residential neighborhoods in 1904, and Boston implemented legislation to require lower heights in residential areas than in commercial areas in 1904, among others.\textsuperscript{87} Many of these early examples of land-use controls and zoning designed to protect aesthetics were challenged and held up in court, but no decisions declared that the government was permitted to regulate solely for aesthetic reasons alone.\textsuperscript{88} Some courts even avoided basing decisions on aesthetics, such as in \textit{Welch v. Swasey}, 214 U.S. 91 (1909), which upheld a statute that limited the height of buildings in only certain sections of Boston as constitutional on the basis of health and safety and not aesthetics. It wasn’t until 1954 that aesthetics were upheld on their own. The US Supreme Court case of \textit{Berman v. Parker}, 348 US 26 (1954) established that governments could regulate solely based on aesthetics alone.\textsuperscript{89} The language from this case led to many subsequent court decisions that upheld height restrictions, historic preservation, and other aesthetics-related regulations as valid, though the case itself was really focused on urban renewal. Examples of early cases that addressed aesthetics include \textit{Figarsky v. Historic District Commission}, 171 Conn. 198, 368 A.2d 163 (1976), which upheld a local preservation commission’s order preventing demolition of historic buildings within its district based on aesthetics.

\textsuperscript{88} \textit{Ibid.}
\textsuperscript{89} \textit{Ibid}, 6-7.
on aesthetics, and *The City of Los Angeles v. Tax-payers of Vincent*, 466 U.S. 784 (1984), which upheld aesthetics as a proper use of government regulation.

Locally designated historic districts are the typical method communities use to protect the historic character of an area, and combine the protection of both historic resources and aesthetics. One definition of a local historic district is “a defined area of historically, visually, or culturally related properties that is designated and administered by a city or county government to preserve the community’s identifying character.”

While there are federally designated districts listed on the National Register of Historic Places, local districts are the ones that offer the highest level of protection because they are often part of the local zoning code and are thereby enforceable. The 1978 US Supreme Court case of *Penn Central v. New York City*, 438 US 104 (1978) established “that it was no longer a matter of dispute that cities had the power to enact land-use regulations aimed at enhancing their quality of life by preserving their character and aesthetic features.” This was the most important case in establishing the legitimacy of local historic districts.

The first local historic district was created in Charleston, South Carolina in the early-twentieth century. Susan Pringle Frost, a real estate agent and early preservation advocate, founded the Society for the Preservation of Old Dwellings, which ultimately

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91 Sitkowski and Ohm, “Form-Based Land Development Regulations,” 169.
93 Walters, *Designing Community*, 108.
lead to the creation of a zoning ordinance that produced the first historic district.\textsuperscript{94} It was created in response to citizens’ objections to modern gas stations in the historic sections of the city. In 1929 a city planning and zoning commission was formed to grant or deny approval for any new nonresidential uses, and the following year this was taken a step further with a temporary zoning law that made it illegal to build any “service or filling stations, automobile repair shops, factories or other buildings or businesses which would serve to detract from the architectural and historical setting.”\textsuperscript{95} In 1931 the ‘Old and Historic District’ was placed under a permanent zoning ordinance. An architectural review board was created to review and approve any proposed changes to historic buildings as well as new construction. The review board was allowed to issue Certificates of Appropriateness to projects that complied with the “historic” architectural styles of the city, specifically looking at “the general design, arrangement, texture, material and color of the building.”\textsuperscript{96} The model established in Charleston is similar to the format many historic preservation commissions use today for their local historic districts.

Today local historic districts typically take the form of an overlay district, which is layered on top of the existing zoning and does not affect the existing permitted uses.\textsuperscript{97} A historic preservation commission is appointed to oversee the district and serve as an architectural review board. Local historic districts usually include specific design guidelines for the designated properties, which dictate architectural standards for

\textsuperscript{95} \textit{Ibid.}
\textsuperscript{96} \textit{Ibid.}, 6.
\textsuperscript{97} Schmickle, \textit{The Politics of Historic District}, 2.
alterations or additions to historic buildings in the district as well as for new construction in the district. The preservation commission is empowered to approve or deny proposed alterations, additions, and new construction and can issue Certificates of Appropriateness. This is all essentially what was established in Charleston in 1931.

Another approach to protecting historic areas is with conservation districts or conservation areas. These are not full-fledged historic districts but represent a concentration of historic, cultural or aesthetic significance. These districts usually cover areas that do not quite meet the criteria for a local, state, or national historic district yet whose character is still deemed worthy of preserving. Sometimes they are used as a buffer or transitional area surrounding a local historic district. Conservation districts still protect aesthetics, but they often have less stringent design guidelines that offer more flexibility and can work with more styles and eras of architecture. The guidelines may be less detailed and more concerned with overall form, such as setbacks and heights, and less with specific stylistic elements. Conservation districts are often designed around the specific needs of a community, and because of their flexibility are often more openly embraced than historic districts.

While design guidelines have generally worked well to protect the historic character and aesthetics of historic neighborhoods for the past eighty years, form-based codes are a newer tool for preservationists that can help achieve more. One important difference is that form-based codes are made up of standards that are regulatory and legally mandated, while design guidelines are just that, guidelines or recommendations.

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99 Ibid, 22.
In his blog post “Why design guidelines, on their own, don’t work,”100 Kaizer Rangwala explains the importance of this difference: “Guidelines are explanatory and interpretive recommendations that encourage, not require, its use. Administered through appointed design review committee, commission, or advisory board, guidelines are created to fit a wide range of situations, but not all…. Form-Based Codes (FBCs) are clear and precise standards that offers (sic) predictability.”101 Form-based codes therefore, may be a more enforceable tool for preservationists to use, as they typically serve as the base zoning, and they also, to some extent, remove the subjectivity of a preservation commission. When historic districts are adopted as an overlay district, while legally as enforceable, this overlay technically could be removed and regulation would revert back to the base zoning. When form-based codes, which take existing built environment and character of a neighborhood into account more than traditional zoning, are the base zoning, then future development is more likely to take a preservation-conscious approach.

Design guidelines typically address style, materials, and to some extent the building form through setback, height, and other restrictions. Form-based codes, though, set standards for entire blocks and districts that regulate more than just style. Form-based codes may include building form standards, public space standards, frontage type standards, block standards, building type standards, and architectural standards. Building form standards and public form standards are important components of all FBCs, while the other standards mentioned are not necessarily typical of all FBCs but can be included to further shape the desired built effect. With all of these standards in place, form-based

100 Rangwala, “Why Design Guidelines, on Their Own, Don’t Work,” np.
101 Ibid.
codes have the potential to regulate the entire built form of a specified area by considering the form and mass of buildings, the relationship between buildings, the relationship between buildings and the public realm, and the network of streets. Design standards can also be included if that is what the community desires, which would have a similar effect as design guidelines. The following illustration by Peter Katz and Steve Price (Figure 1)\textsuperscript{102} demonstrates the major difference between what zoning without design guidelines, zoning with design guidelines, and form-based codes can create in one block:

\textsuperscript{102} Ibid.
Figure 1. The different build-outs that zoning, guidelines, and form-based codes can produce. Illustration by Peter Katz and Steve Price.

This illustration shows how form-based codes can create a much more pedestrian-friendly block with varied building forms, landscaping, a compatible variety of architectural styles, and a network of streets. While this image appears to illustrate a new development, it still demonstrates how form-based codes may work better than both design guidelines on their own or zoning without guidelines in an established neighborhood. The variety and scale form-based codes can produce are along the lines of historic patterns of development and blend well in the existing urban fabric. Form-based
codes can produce infill development that mimics older, traditional architecture or that is newer, contemporary design that compliments the historic fabric. What is most important is that this infill is compatible with the existing built environment, meaning it blends well with the historic architecture and does not overwhelm it. This lends form-based codes to working well alongside historic preservation.

One important factor that form-based codes do not typically address, which traditional historic districts with design guidelines do, is demolition. Protection from demolition is key for historic neighborhoods, and it is because of this that form-based codes and traditional historic districts should be used together. Ideally, form-based codes that address the building form, development pattern, and public space should be used in combination with locally designated historic districts with design guidelines that address architectural style and materials, as well as prevent demolition. This combination ensures the most protection possible for existing historic fabric. Historic districts with design guidelines have worked well for decades to protect historic districts. This thesis does not argue that these districts should be removed or replaced, simply that they can be more effective when used in combination with form-based codes.
Form-Based Planning in Nashville

This chapter explores various components of Nashville’s planning since the 1990s and how the Metropolitan government and other non-government entities have taken a form-based approach to planning. Beginning with the Concept 2010: A General Plan for Nashville and Davidson County, adopted in 1992, and including up to the Downtown Code that was adopted in early 2010, several land development regulations will be discussed; this discussion will include how these regulations are form-based and also what kind of impact they may have on historic preservation. The chapter ends with a brief discussion of the city’s historic preservation efforts. This information lays the groundwork for the case studies in the next chapter, which look at how two applications of form-based codes have affected three of Nashville’s historic areas.

103 The Metropolitan Government of Nashville and Davidson County is one of a very limited number of consolidated city-county metropolitan governments.
Community Planning

The earliest step taken by the Nashville-Davidson County Metropolitan Planning Department that would lead to form-based planning was the Community Planning program. For planning purposes, Davidson County was divided into fourteen communities in the Concept 2010: A General Plan for Nashville and Davidson County, which allows the Metro Planning staff to work more closely with each community to better address what the residents there want. The following map shows the division of Davidson County into its fourteen communities:

Figure 2. Map of Nashville's fourteen communities. Image courtesy of the Nashville Metropolitan Planning Department.

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The division into distinct communities allows for more detailed planning in each area, yet county-wide planning is still addressed through the General Plan.

Each community has its own Community Plan that is updated every seven to ten years. Community Plans are planning documents that guide the growth and development of the specific community and the role it plays in the overall plan for the county. The Community Plan “creates a vision for the community’s future preservation, growth and development, guiding land uses, urban design, streets, parks, and civic uses.” Community Character Policies are part of each Community Plan and help guide future development and preservation decisions for that community, such as zoning changes, subdivision approvals, and decisions about public facilities. Each Community Plan, starting in 2002, contains at least one Detailed Neighborhood Design Plan (DNDP), which is used for even more detailed planning for a specific neighborhood within the community. There can be many DNDPs for each community, as different neighborhoods choose to have more individualized plans for themselves.

Another important element of Nashville’s Community Planning program is the Community Character Manual (CCM), created in 2008. It is an element of the

107 Metro Nashville Planning Department, “Community Plans Brochure,” no date, no page.
109 Metro Planning Department, “Community Character Manual Fact Sheet,” no date, 1.
Concept 2010: A General Plan for Nashville and Davidson County and serves as a guide for all community planning policies and decisions. It serves three main functions: to explain the Community Character Policies for each Community Plan, to guide decisions regarding implementation tools for each community, and to “help shape the form and character of open space, neighborhoods, centers, corridors, and districts within a community.”\textsuperscript{110} The Community Character Manual is based on the Transect, the previously discussed urban planning model, that identifies a progression of zones that transition from rural to urban and integrates the built environment with natural elements. The zones include: T1 Natural, T2 Rural, T3 Suburban, T4 Urban, T5 Center, T6 Downtown, and D District.\textsuperscript{111} Communities decide which transect they fall within and the Community Character Policies organize the community around Open Space, Neighborhoods, Centers, and Corridors within that transect.\textsuperscript{112}

All of the components of the Community Planning, the Community Character Manual, the Community Plans, and the Detailed Neighborhood Design Plans, include form-based principles; they are form- and design-based and seek to preserve or create a specific community character that is based on what the residents and property-owners want. While these are all form-based techniques, it is important to note that none of these documents actually regulate zoning and land use. These all serve as guidelines to help the Planning Department and Planning Commission make future planning decisions, but do not actually regulate. What they do is set the groundwork for the Metro Planning Department to implement form-based codes.

\textsuperscript{110} Ibid.  
\textsuperscript{111} Ibid.  
\textsuperscript{112} Ibid.
Urban Zoning Overlay

One of the first form-based codes adopted in Nashville was the Urban Zoning Overlay (UZO), which was created in 2000. An overlay district is a district that is placed over the base zoning and alters some regulations to deal with a specific situation. This overlay district was created for historic sections of Nashville south and east of downtown, whose development is mostly pre-World War II. A tornado hit this area in 1998 and many buildings needed rebuilding. Homeowners and business owners ran into problems with the current zoning when trying to rebuild. The zoning code that was in place at that time had suburban-style standards for this area, which were not consistent with the area’s historic pattern of development. The suburban-style standards required greater setbacks, smaller lots, and attached garages, among other regulations, that did not fit with the historic development pattern. Many people could not reconstruct their houses and businesses as they had been before the tornado because such construction did not conform with the then existing zoning code. There were many issues with the parking requirements of the suburban-style standards. A lot of parking was required for new businesses and due to the lack of ample space to put the parking in, many people were not able to open new businesses. Sometimes historic buildings were torn down to make way for parking lots, which lead to further deterioration of the existing built environment.

The Urban Zoning Overlay fixed these problems. As Rick Bernhardt, Executive Director of the Metropolitan Nashville-Davidson County Planning Commission described

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“We replaced the conventional suburban-type standards with a new animal, an ‘urban zoning overlay’ which allowed people to rehab or rebuild their houses to maintain the pattern of what was already there…. that was our entrée into form-based zoning.”

The UZO regulations mostly apply to new construction and only affect existing structures by making them conform with the zoning, whereas before they were nonconforming. The regulations mostly deal with where a building can be placed on a lot and parking requirements. Chapter 17.12 of the Metro Zoning Code contains ‘District Bulk Regulations’ for the UZO. These regulations dictate where a building can be built on a lot and how large the building can be in relation to the lot. This allows for new construction to follow the existing development pattern. Chapter 17.20 contains ‘Parking, Loading, and Access’ for the UZO. These regulations establish parking locales and requirements. It lowers the parking requirements in most areas and allows on-street parking on certain streets. This helps with the problem of not having space for the high amount of parking previously required and helps avoid demolition of buildings to make room for parking.

The UZO was written by the Metro Planning Department along with a national consultant team with recommendations coming from many different representatives from the community. The Urban Zoning Overlay was an important early step into form-based zoning for Nashville. It also has significance for historic preservation efforts in the city because the Overlay was created to preserve the historic pattern of development and to reduce the demolitions that were being done to fulfill parking requirements. While it

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does not address aesthetics in any way or specifically prevent demolitions, it encourages compatible new development and helps to maintain the overall character of these areas.

**Urban Design Overlay**

The Urban Design Overlay (UDO) is a tool that allows the Planning Department to implement the Detailed Neighborhood Design Plans and the urban design elements of the Community Planning approach. The Urban Design Overlay is “a zoning tool that requires specific design standards for development in a designated area. A UDO is used to either protect the pre-existing character of the area or to create a character that would not otherwise be ensured by the development standards in the base zoning district.”\(^{115}\) It is a type of form-based code as it looks to regulate the overall form of the built environment and public space rather than focusing on use. The first UDO was adopted in 1999 for Hillsboro Village, an early twentieth-century commercial and mixed-use neighborhood southwest of Downtown. Residents and property-owners wanted to preserve the historic character of the neighborhood but did not want Historic Zoning. The UDO emerged as a way for the neighborhood to maintain the character they wanted by regulating the design and form of infill and additions without the more restrictive elements of a local historic district.

The Urban Design Overlay can regulate many different aspects of land development: building placement, size and height including lot area, building coverage, building setback, encroachments into setback areas, building height, density, floor area

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ratio, and impervious surface ratio, architectural features; parking and loading including quantity of parking, locations of off-site parking, placement of on-site parking, size, location and number of loading spaces, and visibility at intersections and driveways; landscaping and buffering including plant types, sizes and placements, alternatives to plans like walls and fences, buffering between zoning districts, permitted uses in buffer yards, placement and screening of mechanical equipment, dumpsters, etc, landscaping maintenance standards, and perimeter and interior landscaping of parking lots; and signage including placement, sizes, number, shapes and types of signs, animation, light and materials, and exemptions from regulation.\textsuperscript{116} While the earliest UDOs created were more along the lines of design guidelines, they have evolved to take a more straightforward form-based approach with less focus on architectural design. Today Nashville has adopted sixteen UDOs that maintain the unique character of each of the neighborhoods they regulate.

**The Nashville Civic Design Center**

The Nashville Civic Design Center is one other important factor in Nashville’s form-based planning activities. Though not a government entity, this non-profit organization works together with government officials to plan the best Nashville possible. The Nashville Civic Design Center was established in 2000 and opened in 2001 with a mission “to elevate the quality of Nashville's built environment and to promote public

\textsuperscript{116} Ibid.
participation in the creation of a more beautiful and functional city for all.”117 It was born out of the Nashville Urban Design Forum, founded in 1995, which is a monthly public meeting to discuss issues of urban design. The Center is partnered with the University of Tennessee, Vanderbilt University, the Metropolitan Development and Housing Agency (MDHA), the government of the Metropolitan Nashville and Davidson County, and the private sector, and serves as an advocate, educator, and community leader in urban design.118 Its staff works with government officials and planners as well as with neighborhood associations and residents.

One very important project that the Nashville Civic Design Center recently completed was The Plan of Nashville in 2005. The Plan was a community-wide collaboration of the residents’ vision for Nashville and its future and was made into a publication titled The Plan of Nashville: Avenues to a Great City.119 It was initiated in 2002 and consisted of two years of neighborhood forums, discussion groups, and committee meetings, which resulted in a collective vision for downtown Nashville and its surrounded neighborhoods.120 It focuses on the downtown as the heart of the city historically, and the need to return it to that key role. The Plan identifies Nashville as the ‘City of Neighborhoods,’ with importance placed on the neighborhoods surrounding downtown as building blocks and the network of streets and public spaces as mortar to

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119 Kreyling, The Plan of Nashville.
120 Ibid, x.
hold these blocks together.\textsuperscript{121} This analogy implies form-based thinking, which supports the Metro Planning Department’s trend of form-based planning.

The introduction to \textit{The Plan of Nashville: Avenues to a Great City} explains important themes of the Plan. The first one it lists is “Understanding the history of Nashville’s built environment is crucial to planning for the future. It is only by knowing the hows and whys of the past that we can build on existing strengths and mitigate weaknesses.”\textsuperscript{122} While this does not directly state the importance of preserving the city’s historic architecture, it does stress the importance of returning to historic patterns of development. Another way the plan supports preservation is in its ten principles, the guiding principles for design, planning, and policy. Principle 9 is to “Strengthen the unique identity of neighborhoods,”\textsuperscript{123} and one of the goals of that principle is “Appropriate private development directed by public policies that reinforce each neighborhood’s natural features, cultural history, and built heritage and that support commercial needs.”\textsuperscript{124} This principle and related goal encourage new development to be compatible and respecting of the existing built environment, though again it does not explicitly state historic preservation as a goal. The return to historic patterns of development and the encouragement of compatible infill are two key reasons why form-based zoning work well to support historic preservation. It is significant that these issues were addressed in the plan. They strengthen the connection between form-based

\begin{flushright}
\textsuperscript{121} \textit{Ibid}, 3.
\textsuperscript{122} \textit{Ibid}.
\textsuperscript{123} \textit{Ibid}, 45.
\textsuperscript{124} \textit{Ibid}.
\end{flushright}
planning and historic preservation and reinforce them as key elements in Nashville’s city planning.

**The Downtown Code**

Nashville’s Downtown Code, adopted in February 2010, is the most recent and most straightforward approach to form-based planning. Just as the Urban Design Overlays do, which implement the Detailed Neighborhood Design Plans for specific communities, the Downtown Code implements the Downtown Community Plan: 2007 Update and the vision the downtown community has for its future growth and development. The Downtown Code regulates based on the physical form of the buildings in order to create a desired urban environment, and is meant to be used in conjunction with the Downtown Community Plan that contains guidelines and placemaking tools that complement the regulations of the Downtown Code. Because Downtown is made up of many different neighborhoods, each with its own character, The Code divides the Downtown into four Areas (North, South, West, and Central) and those are further divided into fifteen Subdistricts. Each Area is allowed certain uses and then each Subdistrict has its own development standards and building regulations. There also are some General Standards that apply to all Subdistricts, and there are certain sections of the Metropolitan Zoning Code that apply to all properties regulated by the Downtown Code.

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Figure 3. The Regulating Plan taken from the Downtown Code, page 11. Courtesy of the Metropolitan Planning Department.

The Regulating Plan (Figure 3) is the official zoning map for the Downtown Code that shows all subdistricts with their boundaries. All applications for development within the Downtown area that meet all requirements of the Downtown Code are reviewed and can be approved by the Planning staff. For any applications that do not meet all requirements and seek modifications, they must be reviewed by the

128 Ibid, 11.
Design Review Committee, of which all members must hold design degrees.\textsuperscript{129}

Modifications are typically approved if they produce “better urban design… and the modification does not impede or burden existing or future development of adjacent properties.”\textsuperscript{130} One member of the eight-member Design Review Committee is appointed by the Historical Commission, which is important in helping to maintain the historic character of the Downtown.\textsuperscript{131}

Certain ‘Guiding Principles’ from the Downtown Community Plan were used to create the standards of the Downtown Code and they are as follows: ensure the Downtown remains the civic, commercial and entertainment center for Nashville, Middle Tennessee and the Southeast; provide opportunities for continued growth while preserving and enhancing the character that inspires residents and businesses to move Downtown; create strategic mixed use to facilitate Downtown’s transformation into a 24/7 community; create and nurture neighborhoods; create active, attractive streets and streetscapes; protect and reuse historic structures and districts; create environmentally sustainable and energy efficient development; create “great spaces” throughout Downtown for the enjoyment of citizens and visitors; and provide for improved mobility in and through Downtown to support other principles for healthy growth in Downtown.\textsuperscript{132}

The second and sixth principles speak of preserving the character of Downtown and preserving and rehabilitating the historic built environment. This reveals that the Planning Department and other government agencies involved in the creation of the

\textsuperscript{129} Ibid, 14.
\textsuperscript{130} Ibid.
\textsuperscript{131} Ibid.
\textsuperscript{132} Ibid, 6-9.
Downtown Code value Nashville’s historic resources and understand the importance of preserving them. Because of this it appears that the form-based Downtown Code is an effective way to promote the preservation of the downtown’s historic buildings. The adoption of this code is a significant step in Nashville’s evolution of form-based land development regulations which also impacts the city’s historic preservation efforts.

**Historic Preservation in Nashville**

While exploring Nashville’s form-based planning and the impact it has on the city’s historic areas, it is also important to look at the historic preservation movement in Nashville. Preservation efforts in Nashville began the way they did in many other cities in the nineteenth century: as a private effort to save the home of an important historical figure. In Nashville’s case this was Andrew Jackson’s Hermitage. The Ladies’ Hermitage Association was founded and acquired the historic house from the state in 1889 to preserve it. A more concerted effort and involvement from the city, though, did not occur until the mid-twentieth century. The loss of individually significant buildings as well as entire neighborhoods due to urban renewal in the 1950s and 1960s is what sparked action for preservation. The Metro Historical Commission was founded in 1966, the same year the National Historic Preservation Act was passed. The Commission’s early actions centered around getting the city’s most important historic sites listed on the National Register. Public concern for preservation grew in the early 1970s when the Ryman Auditorium, which housed the Grand Ole Opry, was threatened.

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134 Ibid.
135 Ibid, 38.
by demolition in 1973. Concerned citizens and city officials fought with the developer who wanted to tear the building down and build something new with the salvaged bricks. Eventually those in favor of preservation won and the building was saved, although left vacant for many years before being renovated in 1993.

Despite both the public and the city being aware of the threats to the downtown’s historic fabric, local designation with protection from demolition and control over additions and infill, did not begin in the city’s center. Historical zoning for locally designated districts was enabled in 1977 and began in some of Nashville’s neighborhoods. The Metro Historic Zoning Commission was created to administer historical zoning in 1978 and that same year, Edgefield became the first neighborhood to receive historical zoning.  

136 For historic districts, the Commission reviews demolition, new construction, additions, the moving of any buildings, and exterior changes. In 1985, the concept of a conservation district was adopted, with less stringent regulations but still aiming to preserve the historic character of an area.  

137 For conservation districts, the Commission reviews demolitions, new construction, additions, and the moving of any building.

Today, the Metro Historical Commission oversees twenty-one historic and conservation districts.  

138 The Metropolitan government overall has taken a somewhat pro-preservation approach in the past few decades with other government agencies getting involved with preservation efforts. The Metro Development and Housing Agency has established
design guidelines for many of its redevelopment districts in order to ensure infill that is compatible with their historic neighborhoods. Also, the Planning Department’s form-based approach, the focus of this thesis, has helped maintain the character of many of the city’s historic areas.

\[139\] Kreyling, *The Plan*, 40.
Hillsboro Village Urban Design Overlay

The Hillsboro Village Urban Design Overlay was the first such overlay adopted in Nashville and the reason for the creation of these form-based overlays. It was created in 1999 to preserve the historic character of the neighborhood through design- and form-based planning instead of adopting historical zoning; therefore this case study is appropriate for studying the role of form-based codes as an alternative to local historic district designation.

Figure 4. 21st Avenue, the main commercial thoroughfare in Hillsboro Village, looking southwest. Photograph by the author.
Figure 5. Map showing the location of Hillsboro Village in relation to downtown. No. 1 represents Hillsboro Village and No. 2 represents Downtown. Map from Bing Maps, enhanced by the author.
History of Hillsboro Village

Hillsboro Village, located approximately three miles southwest of downtown Nashville (Figure 5), is an early twentieth-century neighborhood commercial area. Hillsboro Village is part of a larger area known as the Hillsboro-West End Neighborhood. Prior to the twentieth century this area featured a few large estates and farmland, but in the late nineteenth century the area saw great change. The first electric streetcar came to the area in the 1880s and that same decade and the following one saw
the subdivision of many large parcels of land into small residential lots. After a lull in
development due to the economic crisis of 1893, the residential development in this area
was back in full swing by around 1905.\textsuperscript{140} The area continued to grow due to additional
streetcar lines, improved technology, and strong real estate promotion. Churches,
schools, apartment buildings, retail stores, and other amenities also developed in the area.
In 1925 Nashville’s city limits were extended west and included most of this area.\textsuperscript{141}

Hillsboro Village itself began developing in the 1920s and became the
commercial center for the eastern end of the Hillsboro-West End Neighborhood. In
1920, two groceries and a pharmacy opened at the intersection of 21\textsuperscript{st} and Blakemore,
and within six years nineteen businesses were open in the Village.\textsuperscript{142} This commercial
development was originally opposed by many of the nearby residents, though the
opposition seems to have centered around the addition of gas stations to the area. In 1921
a group of residents gathered at the nearby Belmont Southern Methodist Church to
protest the construction of several commercial buildings, including a gas station.\textsuperscript{143} The
gas station ended up being built despite the protests, and another was built nearby a few
years later in 1927. Two theaters were also attractions that brought people to Hillsboro
Village; the Belmont Theater was built in 1925 at the corner of Blakemore and 21\textsuperscript{st}
Avenues, where it stood until 1962 when it was torn down and replaced by a new
building, and the Hillsboro Theater was built on Belcourt Avenue in 1925. The Hillsboro

\textsuperscript{140} James Summerville, \textit{Home Place: A History of the Hillsboro-West End Neighborhood,}
\textsuperscript{141} \textit{Ibid}, 25.
\textsuperscript{142} \textit{Ibid}, 37.
\textsuperscript{143} Gene TeSelle, \textit{The Belmont Area and Hillsboro Village} (Nashville: Belmont Hillsboro
Neighborhood, Inc., 2009), 12.
Theater still exists today although it has been renamed The Belcourt Theater and the building has undergone some changes. While the main focus of Hillsboro Village was the commercial center along 21st Avenue, residences also developed south of the main commercial areas as well as along some of the east-west cross streets.

Hillsboro Village began to see change in the mid-twentieth century. The streetcars were replaced with buses in the 1940s and in the 1950s many new businesses came and old ones went; this lead to some change in character for the traditional commercial neighborhood of the Village. In the 1960s the Hillsboro-West End neighborhood suffered due to a large urban renewal project undertaken by the city. The urban renewal project in Hillsboro-West End neighborhood coincided with nearby Vanderbilt University’s desire to expand their campus, which many residents at the time felt was the real reason behind the project. This area became the University Area Urban Renewal District; the Nashville Housing Authority declared many homes in the area blighted and the University negotiated to purchase those homes and lands to be cleared to make way for the campus expansion. Many residents opposed this project and a suit went all the way to the Supreme Court but failed.

Hillsboro Village did not suffer the level of loss some more residential areas did, and it actually underwent some improvements as part of the project: utilities were updated, brick sidewalks were put in, and trees were added all in an attempt to preserve

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144 Ibid, 14.  
145 Ibid, 15.  
146 Ibid.  
147 Ibid.
the unique character of the Village.\textsuperscript{148} 21st Avenue was unfortunately shut down for almost two years because of the construction, which hurt businesses; the widening of streets and sidewalks affected the character of the Village. The Urban Renewal District also set in place some zoning changes that helped preserve the character of the Village; the ordinance for the district contained some basic design guidelines and created a thirty-year “commitment to land use,” that did not allow any rezoning.\textsuperscript{149} This helped maintain the neighborhood commercial character that Hillsboro Village had enjoyed since its beginning and helped prevent speculation because developers knew they could not receive a rezoning for a long period of time. Despite the changes that came with urban renewal and the loss of some businesses and buildings along the way, Hillsboro Village maintained its original neighborhood commercial scale and character and this is what led to the creation of the Urban Design Overlay.

**The Hillsboro Village UDO**

The Urban Renewal District was written to last for thirty years and developers were anxious for its expiration in 1997. Residents and business owners were concerned the character of the Village would be hurt by the termination of the Urban Renewal District, which had worked well to preserve the area. A Councilman proposed to renew the district for another ten years but many people doubted it would be passed.\textsuperscript{150} There was some discussion of Historical Zoning for the Village, but many residents and business owners did not want what they believed would be restrictive design

\textsuperscript{148} Ibid, 16.
\textsuperscript{149} Ibid, 17.
\textsuperscript{150} Ibid, 19.
Instead, the Councilman formed a committee of local residents and business owners, and representatives from different areas of the Metropolitan Government, including the Planning Commission. Several meetings were held with the Project Steering Committee to gain input from all affected parties and a “Vision Survey” was conducted to determine the community’s vision regarding design for the Village. The design team of Looney Ricks Kiss then created detailed plans for the Urban Design Overlay, which included design guidelines for new construction that took a form-based approach, as well as addressed important issues such as parking. The Hillsboro Village UDO was adopted on May 18, 1999 (see Appendix 1).

The purpose of the UDO is to ensure that infill development is compatible and to encourage the rehabilitation of existing historic buildings in order to preserve the unique character of Hillsboro Village. The design guidelines serve as the basis for the UDO and intend to accomplish many goals: to maintain a scale and form of development that emphasizes sensitivity to the pedestrian environment; to minimize the intrusion of the automobile into the urban setting while still accommodating vehicles; to provide for the sensitive placement of public spaces in relationship to building masses, street furniture, and landscaping features; to ensure the compatibility of new buildings with respect to the specific character of their immediate context; to encourage active ground floor uses such as restaurants, shops and services to animate the street; to encourage the adaptive use and

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153 Design guidelines courtesy of Looney Ricks Kiss (LRK Inc.), Memphis, TN and the Nashville Metropolitan Planning Department.
sensitive rehabilitation of existing historic buildings; to protect and enhance the economic viability of the area, as well as the diversity of uses and activities; and to accommodate the Village’s parking needs while still maintaining a pedestrian-oriented urban environment.\textsuperscript{154}

The Vision Study that was conducted determined what the residents and business owners in Hillsboro Village wanted for their neighborhood within four urban design categories: streetscapes, buildings, parking and access, and signage and canopies. It was from these findings that the design guidelines were based. Being design guidelines they are mostly advisory, though partially regulatory, and use a combination of ‘shall’ and ‘should’ to determine what is required versus what is encouraged. The sections of the design guidelines that are regulatory relate to the form of buildings and their relationship to one another and the public space, including parking, while the sections that are advisory relate more to design and style of buildings, signage, landscaping, and the public space. For example, requirements for buildings’ height, massing, and build-to lines ‘shall’ be followed, whereas the standards for buildings’ roofs, facades, and materials ‘should’ be followed. This reinforces the UDO as a form-based planning tool. Besides the results from the Vision Study, the design guidelines were also based on significant historic buildings within the Village. Between 1984 and 1994, the Metropolitan Historical Commission completed a survey of all pre-1945 buildings in Nashville and determined which of these buildings were considered “worth of conservation.”\textsuperscript{155} The buildings that received this designation within Hillsboro Village were used to create the

\textsuperscript{154} Ibid.
\textsuperscript{155} Ibid, 10.
design guidelines. The guidelines were written so that new construction would be compatible with these significant buildings. The build-to lines, height, mass, and other form-based characteristics of the historic buildings “should” be used as a model for new construction.

Another way the Hillsboro Village UDO takes a form-based approach is its division into seven sub-districts: Commercial Core: Central, Commercial Core: South, Commercial Core: North, 21st Avenue Residential Building Type, Belcourt Avenue Residential Type, Commercial Perimeter: East, and Commercial Perimeter: West (Figure 7). These sub-districts are not based upon the current building uses, but on the building types and the pattern of development within each sub-district. Each sub-district has its own standards within the design guidelines that follow the existing building form and development pattern. There also are certain standards that are regulatory throughout the Urban Design Overlay that are different from the base zone district, which include bulk standards, parking standards, sign standards, and landscaping standards.

Since the Hillsboro Village Urban Design Overlay was the first one created, it is slightly different from subsequent UDOs. It basically is just design guidelines that take a form-based approach. The more recent UDOs created for other neighborhoods in Nashville focus less on style and aesthetics and more on the overall form and development pattern. The Hillsboro Village UDO has a Design Review Commission for proposed projects, while most other UDOs do not have this level of review. The heavier focus on design and style is probably the result of several factors. First, this UDO was created out of the Urban Renewal District, which already had design guidelines in place;

\[156 \textit{Ibid}, 4.\]
the UDO was created to continue the oversight that had already been established.
Second, the preceding Urban Renewal District and subsequent UDO were written to preserve the historic character of the Village; this focus on character and style with significant historic buildings as models for new construction lead to design guidelines similar to those used in local historic districts. Nevertheless, the Hillsboro Village UDO still takes a form-based approach and is significant because it was the city’s first implemented form-based planning tool.

Figure 7. The Hillsboro Village Urban Design Overlay sub-districts. Image taken from the Hillsboro Design Guidelines, page 4. Courtesy of the Metropolitan Planning Department.
Figure 8. Photograph showing typical building types and pattern of development in sub-district 1A of the Hillsboro Village UDO. Photograph by the author.

Figure 9. Photograph showing typical building types and pattern of development in sub-district 2B of the Hillsboro Village UDO. Photograph by the author.
Figure 10. Photograph showing typical building types and pattern of development in sub-district 1C of the Hillsboro Village UDO. Photograph by the author.

Figure 11. Photograph showing typical building types and pattern of development in sub-district 3A of the Hillsboro Village UDO. Photograph by the author.
Assessment of the Hillsboro Village UDO in Relation to Historic Preservation

There are both positive and negative aspects of the Urban Design Overlay in regards to historic preservation. The main benefit is that it allows for compatible infill that is appropriate for the historic context of the Village. While little infill has occurred since the UDO was adopted, there have been examples of successful rehabilitations of existing historic buildings. One example is the facade rehab on the building at the corner of Blakemore and 21\textsuperscript{st} Avenues (Figure 12); because of the bulk standards of the UDO the building could not be torn down and rebuilt set back far from the sidewalk. Instead, the developer decided to rehab the façade to fit in with the overall scale and character of the neighborhood.\textsuperscript{157} Another common type of rehabilitation in Hillsboro Village has been the reuse of historic homes along Belcourt Avenue as restaurants and businesses (Figure 13); to fit these new uses porches, canopies, and other forms of outdoor space have been added to many of these buildings. While these additions can somewhat detract from the historic character of the houses, they are removable and allow the overall building type and the development pattern to remain as it originally was regardless of the new use given to the building.

Figure 12. Example of an appropriate facade rehab at the Corner of Blakemore and 21st Avenues. Photograph by the author.

Figure 13. Example of a historic home reused as a restaurant on Belcourt Avenue. Photograph by the author.
The UDO’s ability to create compatible infill development has the most potential to make an impact in sub-districts 1C and 3A of Hillsboro Village. These two areas feature more suburban, strip-type development with parking lots in front of the buildings. Future development in these areas could create more traditional building types that match what is found in the other sub-districts of the UDO in terms of form and development pattern.

The main negative aspect of the Urban Design Overlay is that it does not protect historic buildings from demolition and it allows for major alterations to be made to buildings. These are the two factors that make this UDO not completely effective as a historic preservation tool and it is also these two factors that really set the Hillsboro Village UDO apart from Historical Zoning. Historical zoning protects buildings from demolition and has stricter design guidelines and review process. The Metropolitan Historical Commission does comment on all applications to the Planning Commission, which allows for discussion between departments regarding historic resources, but it does not guarantee any level of protection. Despite this, the MHC does not view the UDO as a historic preservation tool; its members believe that while it does allow for compatible infill, it does not protect against demolition or major alterations and therefore does not guarantee the preservation of the neighborhood.\(^{158}\) There actually is an agreement between the Planning Commission and the Historical Commission that National Historic Register districts and those eligible for National Register status cannot get Urban Design Overlays.

\(^{158}\) Tim Walker, Executive Director of the Metro Historical Commission and Metro Historic Zoning Commission, email correspondence with author, January, 26, 2011.
One other limiting aspect of this UDO is that it basically consists of design
guidelines that take a form-based focus; many of the standards are simply guidelines and
not regulations. Luckily, the building standards regarding form, such as height, mass, and
setback, are regulatory. It is the building standards that are more architecturally detailed,
including roof and façade design and materials, which are only guidelines. While this
may produce infill that is not historically sensitive in terms of style, it is important that
the standards guarantee infill will have appropriate scale and massing and follow the
historic development pattern.

While the Hillsboro Village Urban Design Overlay does not prevent historic
buildings from being torn down or from being altered significantly, it provides a tool for
maintaining the overall form and development pattern of the neighborhood, which is still
important. That being said, in neighborhoods with a high degree of historic integrity,
Historic Zoning is still the best option. An Urban Design Overlay, though, is a good
option for areas that lack a high level of integrity but are worthy of some level of
conservation. It also is a good option for areas where residents and business owners
greatly oppose Historical Zoning and would cause major public criticism. The UDO is a
more favorable option than having simply the base zoning which has no specific regard
for historic resources.

2nd and Broadway Subdistrict of the Downtown Code

2nd and Broadway is one of the fifteen subdistricts of the Downtown Code,
Nashville’s form-based code for the downtown area that was adopted in 2010 (see
Appendix 2). This subdistrict is composed of two of Nashville’s most historic
commercial areas, Second Avenue and Broadway, both of which are National Register Historic Districts and have local historical zoning overlays. The building regulations for this subdistrict were written to support the historical zoning, and therefore this case study is appropriate for studying how form-based codes and local historic districting can work together.

Figure 14. Broadway at 4th Avenue, facing west. Photograph by the author.
Brief History of Broadway and Second Avenue

Nashville’s early development centered around the Cumberland River. Settlement began in the late-eighteenth century, with the first pioneers arriving in 1779; by 1789 the original plat of the city was laid out with the end of Broad Street (present-day Broadway) as the main port and Second Avenue as one of the main north-south streets.\(^{159}\) The first

steamboat docks were built in 1819 and the first railroad arrived in 1850, by which time Nashville was becoming a bustling river town. The Civil War led to a temporary decline, but progress returned in the 1870s.

Commercial development along Broadway and Second Avenue began in the mid-nineteenth century when these streets became the commercial heart of the city. Second Avenue, originally called Market Street, was lined with warehouses with the ones on the east side backing up onto First Avenue, then called Front Street. Goods that were shipped down the Cumberland River were unloaded into the First Street-side entrances of the warehouses and were then sold out of the front entrances on Second Avenue. Some examples of the types of goods sold included hardware, groceries, and dry goods. Development consisted mostly of two-to-five-story brick commercial structures, many with Victorian detailing. Development along Broadway took a slightly different form, as it did not have warehouses but more typical businesses selling furniture, clothing, hardware, and many other products. These businesses were on the ground level, with offices and apartments often occupying the upper stories. Buildings were at a slightly smaller scale, mostly two-to-three-stories in height, but overall had a similar looks with mostly brick commercial buildings with Victorian detailing. Many of the mid-to-late-nineteenth century buildings along Broadway and Second Avenue remain today and give the district its distinct scale and character.

The early-to- mid-twentieth century brought change to both Broadway and Second Avenue that would threaten their historic integrity and unique character. By the 1920s, Nashville was no longer the river town it once had been. Its economic center was now based in the service sector, including banking and insurance. Due to this shift in economic strength, the warehouse district along Second Avenue began to decline. Many of the buildings sat vacant or were only used as warehouses, no longer selling goods as well. Broadway’s decline came later than Second Avenue’s did. When the historic Ryman Auditorium, just north of Broadway on Fifth Avenue, became home to the Grand Ole Opry in 1941, Broadway went through somewhat of a rebirth. It became a very popular destination for country music fans and dozens of music-related businesses opened. The music industry kept the otherwise struggling business district going until 1974 when the Grand Ole Opry moved out of the Ryman Auditorium to a suburban location. Broadway had already been suffering because many of its retail businesses had moved out of the downtown to the suburban malls. With the departure of the Grand Ole Opry, Broadway fell into serious decline and became very blighted, though some businesses managed to remain. The Ryman Auditorium was slated for demolition, but national outcry lead to its survival. During this period many historic buildings on Broadway underwent inappropriate exterior rehabilitations that affected the district’s integrity.

It was the threat of demolition for the Ryman Auditorium as well as public concern for the declining historic fabric of Broadway and Second Avenue that led to their revival;

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163 “Second Avenue Design Guidelines,” no page.
preservation efforts ensured their survival. Second Avenue saw a slight revival in the 1970s when some of the warehouses were rehabilitated into restaurants, stores, and art galleries, and in 1972 Second Avenue North became the first district in Nashville to be listed on the National Register. Unfortunately, a fire destroyed an entire block of some of the oldest buildings on the east side of the street in 1985. A development proposal for a twenty-one-story tower to replace the buildings lost in the fire led to renewed concern for the character of the district; the Metropolitan Historical Commission and Historic Nashville, In., a non-profit, filed a lawsuit to challenge the variance granted by the Board of Zoning Appeals to allow the tower, and won. This generated renewed interest in the area, and in the 1990s, further rehabilitations of historic buildings made Second Avenue into an entertainment hotspot and tourist attraction. In 1997 Second Avenue became a local historic district and received historical zoning, which allows it protection from demolition and grants the Historic Zoning Commission control over new construction, exterior rehabilitations, and additions.

Broadway began to see a revival in the 1980s. The Broadway Historic District was listed on the National Register in 1980s and in 1983 A Market and Design Study for the Broadway National Register Historic District was completed and used to guide future development. Around this time the Metropolitan Development and Housing Agency started a façade loan program that offered non-interest loans to anyone willing to rehabilitate a historic building on Broadway and follow preservation guidelines. The Metropolitan Development and Housing Agency also provided a three-year $30,000

165 “Second Avenue Design Guidelines,” no page.
166 Kreyling, The Plan, 39.
block grant to start The DISTRICT, a joint program by Historic Nashville, Inc. and the Metropolitan Historical Commission. The DISTRICT is a partnership of business owners, government, agencies, preservationists, and other entities in the Second Avenue, Broadway, and Printer’s Alley National Register historic districts whose aim is to return life to the historic downtown. The rehabilitation and reopening of the Ryman Auditorium in 1994 furthered Broadway’s revival that has returned it to a lively mixed-used urban neighborhood. In 2007 Broadway became a local historic district and received historical zoning, which allows it protection from demolition and gives the Historic Zoning Commission control over new construction, additions, and exterior rehabilitations.

The 2nd and Broadway Subdistrict

The Second and Broadway subdistrict of the Downtown Code includes Broadway from First through Fifth Avenues excluding the southwest corner of Broadway and Second Avenue, and Second Avenue from Symphony Place to Union Street. Except for the lot at the northeast corner of Third Avenue and Union Street, this entire subdistrict is included in the Broadway Historic Zoning Overlay or the Second Avenue Historic Zoning Overlay, which means the Metropolitan Historic Zoning Commission oversees them. The building regulations for this subdistrict were therefore written to support what the historical overlays already state, which have more strength than the subdistrict.

The above map (Figure 16) shows the lots included within the subdistrict as well as the different types of streets (primary, secondary, other, alley), because the building regulations are different depending on what type of street a building faces.\textsuperscript{169} While the building regulations were written to align with the design guidelines for the historical overlays, they do so only in a form-based way. The building regulations specify buildings’ frontage, height, and overall design and articulation to dictate the buildings’

\textsuperscript{169} “Nashville Downtown Code,” 28.
form, massing, and scale. The building regulations, however, do not identify style, material, or other specific design-related elements as the design guidelines do. The building regulations for this subdistrict are slightly more specific than most of the other subdistricts by dictating general building design and façade articulation, as most others only regulate building frontage and height. These additional regulations include division of the facade, minimum height for the first floor, percentage of gazing, window sill height, and orientation of windows on the upper floors.\textsuperscript{170} All of these added regulations further support the design guidelines and guarantee a certain form for the buildings, but still without addressing architectural style or detailing.

\begin{figure}[h]
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\caption{Example of the historic building types found on Broadway. Photograph by the author.}
\end{figure}

\textsuperscript{170} Ibid, 30.
Figure 18. Example of an inappropriate exterior rehabilitation done before Broadway had historical zoning. Photograph by the author.

Figure 19. Example of the historic building types found on 2nd Avenue. Photograph by the author.
Assessment of the 2\textsuperscript{nd} and Broadway Subdistrict In Relation to Historic Preservation

The 2\textsuperscript{nd} and Broadway Subdistrict section of the Downtown Code states that “the Downtown Plan encourages maintaining “the low-scale, pedestrian-friendly historic character” and adaptively reusing existing historic structures “in order to respect, maintain, and enhance not only individual structures, but the existing character of the 2\textsuperscript{nd} and Broadway neighborhood as a whole.”\textsuperscript{171} While the building regulations may encourage maintaining the historic character and reusing existing historic structures, it is ultimately the historical zoning that does this, not the Downtown Code. Any

\textsuperscript{171} Ibid, 28.
development proposals must meet the standards established in Broadway and 2\textsuperscript{nd} Avenue historical zoning overlays, which are more restrictive and detailed than the Downtown Code. Approval of projects is deferred to the Metropolitan Historic Zoning Commission, who oversees exterior rehabilitations, demolition, additions, and the moving of buildings. This is very different from the rest of the Downtown Code, where as long as development proposals meet all requirements of the Code, they only need approval from the Planning Staff; it is only when they do not meet all requirements that they need approval from the Design Review Committee as well.\textsuperscript{172}

While the 2\textsuperscript{nd} and Broadway subdistrict does not appear to offer much in terms of preservation since the historical zoning overlays take precedence, it does play an important role as the base zoning. Though not common, the historical zoning overlays could technically be removed since they are only overlays. If that were to happen, the base zoning, in this case the building regulations dictated by the 2\textsuperscript{nd} and Broadway subdistrict, would be left to guide future development. It is important then that the building regulations take the form-based approach they do.\textsuperscript{173} While they do not dictate style, materials, or details to the level that the historical zoning design guidelines do, they at least guarantee continuation of the form, massing and overall historic development pattern of the area. Also, the fact that the building regulations for this subdistrict have some additional regulations that most of the other subdistricts do not is further assurance that additions and new construction will be compatible with the existing historic fabric; this is important in maintaining the neighborhoods’ historic character.

\textsuperscript{172} “Nashville Downtown Code,” 14.
\textsuperscript{173} Rick Bernhardt, Executive Director of the Metropolitan Nashville-Davidson County Planning Department, email correspondence with author, February 16, 2011.
One major benefit of the historical zoning overlays that the 2\textsuperscript{nd} and Broadway subdistrict does not offer on its own is protection from demolition or major alterations. With the historical zoning in place, demolitions and additions get reviewed and approved or denied by the Historic Zoning Commission, so the demolition and significant alteration of important historic buildings is very unlikely to occur. With the Downtown Code, demolition and major alteration would be considered a derivation of more than twenty percent or a modification of the requirements, and therefore would need review and approval from the Downtown Design Review Committee (DTC DRC).\textsuperscript{174} While this does require a review before approval, and a member of the DTC DRC is from the Historical Commission, it does not guarantee historic buildings protection from demolition or major alterations.

The historical zoning overlays also offer transfer of development rights to property owners within the Broadway and 2\textsuperscript{nd} Avenue historic districts, a preservation-friendly incentive that would not be in place without the historic zoning. Transfer of development rights allow owners of buildings in low-density areas to “realize the value of their development entitlements by permitting these property owners to donate or sell the value of undeveloped development rights” to property-owners within higher-density areas within the Downtown.\textsuperscript{175} Transfer of development rights are permitted in any designated historic districts within the downtown area in order to relieve development pressure and encourage the preservation and rehabilitation of these districts’ historic buildings. Unfortunately, if the 2\textsuperscript{nd} Avenue or Broadway historical zoning overlays were to be

\textsuperscript{174} Ibid.
removed the transfer of development rights would be lost as well. Because it has the ability to discourage inappropriately-scaled development, this incentive is something that ideally should be permitted in historic sections of downtown even if they are not locally designated with historical zoning.

Overall, the 2\textsuperscript{nd} and Broadway subdistrict of the Downtown Code used in combination with historical zoning overlays seems to be the most effective approach to form-based codes in terms of historic preservation efforts. The Downtown Code itself is limited in some ways in its ability to preserve the historic character of 2\textsuperscript{nd} Avenue and Broadway, but when combined with historic overlays, this area is offered the most protection possible. The building regulations for the subdistrict are written to align with the guidelines of the historic overlay. It is important that the subdistrict is zoned to the what historical zoning says, because this way if the historic overlay were to ever be removed the base zoning would still guarantee the overall historic form, scale, and massing that is accomplished by the historic zoning.

\textbf{Core Historic Subdistrict of the Downtown Code}  
Core Historic is one of the fifteen subdistricts of the Downtown Code, (see Appendix 2). This subdistrict covers one of Nashville’s most historic commercial and civic areas, and includes Printer’s Alley, a National Register historic district. The building regulations for this subdistrict include additional regulations to encourage the preservation and adaptive reuse of the area’s historic buildings, as well as to encourage compatible infill. This subdistrict does not include any historical zoning overlays but the regulations were written to possibly encourage the creation of one. This case study is
appropriate for studying how form-based codes can work in historic areas without having the added benefits of local historic districting.

Figure 21. View of 3rd Avenue, looking southeast. Photograph by the author.
Brief History of the Core Historic

The area within the Core Historic subdistrict is part of the larger downtown core and Central Business District, which developed alongside Broadway and 2nd Avenue. Development began in the early- to mid-nineteenth century with residential and commercial buildings interspersed. Businesses grew out of the adjacent commercial centers along Broadway and 2nd Avenue and townhouses developed so that people could be within walking distance of the goods they needed. Many business owners also tended to live above their stores. After the Civil War, the Central Business District began expanding south and west of the public square to connect with the commercial district of

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lower Broadway. Businesses spread west along Union Street, South along Fourth and Fifth Avenues, and west along Church Street, which had been heavily residential up to this point.\textsuperscript{177} Some of the residences started to be removed to make room for a variety of retail stores, hotels, restaurants, and other commercial buildings in a variety of architectural styles. Around this time many printing and publishing companies also opened. Printers Alley gained its name at this time, as a meeting place for printers from nearby businesses.\textsuperscript{178} Church Street gained its current name around the same time because of the many churches built along it.\textsuperscript{179}

By the late-nineteenth century banks and insurance companies began opening in the Central Business District, as residences were further pushed out of this area, and continued strong until the Great Depression in 1929. Union Street became known as the “Wall Street of the South” as Nashville’s economy shifted away from the importing and exporting of goods to center around the service sector of banking, insurance, and securities.\textsuperscript{180} Many classical office buildings and the first skyscrapers were built at this time to house these institutions. Retail continued to expand at this same time as people had more disposable income. Many Italianate and Classical style commercial buildings were built. The Arcade, an indoor two-level shopping arcade, was built in 1902-1903

\textsuperscript{177} Ibid, 74.
\textsuperscript{178} Eleanor Graham, \textit{Nashville: A Short History and Selected Buildings} (Nashville: Historical Commission of Metropolitan Nashville-Davidson County, TN, 1974), 87.
\textsuperscript{180} Kreyling, \textit{The Plan}, 19.
between Fourth and Fifth Avenues. There are only a few other examples left in the country of this type of indoor shopping arcade.

By the 1940s the general downtown area was suffering as many businesses were moving out to the suburbs. Many historic buildings sat unused and deteriorating, as no one saw rehabilitation as a smart investment idea. Nashville began a series of urban renewal projects in an attempt to revitalize the downtown and remove designated blighted areas, which unfortunately led to the loss of much historic fabric and a change in the feel of downtown. While the area within the Core Historic subdistrict was not directly affected, the area immediately north was greatly changed by the Capitol Hill Redevelopment Project in 1949. Reinvestment in the downtown area began in the 1950s and 1960s, partly sparked by the preservation efforts to save 2nd Avenue and Broadway. While this revitalization has brought life back to downtown, the Core Historic area has suffered a great loss of historic fabric since the 1970s in favor of modern high rises. Today the downtown Core has a wide variety of architecture styles and building forms from many different eras. The boundaries of the Core Historic subdistrict were drawn tightly around the most historic buildings left and to exclude the many out-of-scale modern buildings that have been built alongside them. The Core Historic subdistrict remains a key part of Nashville’s downtown and link to its historic beginnings.

The Core Historic Subdistrict

181 Graham, Nashville: A Short History and Selected Buildings, 77.
The Core Historic subdistrict of the Downtown Code is roughly bounded by Church Street on the South, Union Street on the North, Third Avenue on the east, and Fifth Avenue on the west, though specific lots and buildings within those blocks are not included. The boundaries were drawn to include the most important historic buildings that are left in the downtown core. Unfortunately, there is a lot of modern development in the surrounding downtown core area, which is why the boundaries had to be drawn the way they are. Printers Alley, the historic center of the printing industry and nightlife, is located within the subdistrict and is listed on the National Register of Historic Places. Other than that, though, nothing else within the subdistrict is listed on the National Register or has a local historical zoning overlay. Despite this lack of historic designation, this area retains many historic buildings and overall historic significance. The Metro Historical Commission is hoping to establish an historical zoning overlay for this area of downtown, though there has been some opposition from property owners and developers. Because of that the building regulations for this subdistrict were written to discourage the incompatible development that has been occurring and to hopefully encourage preservation of the area.
Figure 23. Map of the Core Historic Subdistrict with shaded area denoting the subdistrict, taken from the Downtown Code, page 22. Image courtesy of the Metropolitan Planning Department.

The above map (Figure 23) shows the lots included within the subdistrict as well as the different types of streets (primary, secondary, other, alley), because the building regulations are different depending on what type of street a building faces.\(^{184}\) The building regulations for this subdistrict take a similar approach to those of the Second and Broadway subdistrict, but they do not correspond with a historical zoning overlay. The building regulations specify buildings’ frontage, height, and overall design and articulation to dictate the buildings’ form, massing, and scale. The building regulations, however, do not identify style, material, or other specific design-related elements as the design guidelines do. As with the 2\(^{nd}\) and Broadway subdistrict, the building regulations

\(^{184}\) “Nashville Downtown Code,” 22.
for this subdistrict are slightly more specific than most of the others; these regulations dictate general building design and façade articulation while most others only regulate building frontage and height. These additional regulations include division of the facade, minimum height for the first floor, percentage of gazing, window sill height, and orientation of windows on the upper floors. All of these added regulations guarantee a certain form for the buildings without getting into architectural style or detailing. This allows for the most compatible infill, additions, and exterior rehabilitation possible in terms of form without having historical zoning in place.

Figure 24. View of Union Street between 3rd and 4th Avenues, looking west. Photograph by the author.

Figure 25. View of the unique architecture in Printers Alley, a National Register Historic District. Photograph by the author.

Figure 26. View of 4th Avenue looking north. Photograph by the author.
Assessment of the Core Historic Subdistrict in Relation to Historic Preservation

The Second and Broadway Subdistrict section of the Downtown Code states that “The Core Historic neighborhood has two historic urban spaces – the Arcade and Printers’ Alley. This neighborhood includes many historic buildings that have been recently renovated. The height maximums for this subdistrict reflect historic urban design features – lower buildings mid-block and taller buildings to “book-end” the blocks at the corners. The adaptive reuse of historic buildings is encouraged and new construction should be of appropriate scale and detailing, maintaining the existing storefront rhythm. Pedestrian comfort and safety should be prioritized with an interesting sidewalk realm,
activity on the ground level of buildings, and controlled vehicular access.” As with the 2nd and Broadway building regulations, these regulations encourage maintaining the historic character and reusing existing historic structures. With the Second Avenue and Broadway area, the historical zoning overlays are there to make sure preservation was more than encouraged, but with this district there is no historical zoning. The Metro Planning Department was able to write the regulations for the Core Historic area to incentivize not to teardown, as well as to guarantee compatible infill and rehabilitations of existing historic buildings.

The building regulations for the Core Historic subdistrict ensure compatible infill similarly to how it is achieved with the 2nd and Broadway subdistrict. While the regulations do not dictate style or materials they do guarantee continuation of the form, massing and overall historic development pattern of the area. Also, this subdistrict has the additional regulations of ‘building design and façade articulation,’ which ensures that additions and new construction will be compatible with the existing historic fabric, integral in maintaining the neighborhoods’ historic character.

The Core Historic area has lost a lot of historic fabric since the 1970s, so the Planning Department was determined to discourage future demolitions. They accomplished this through the Downtown Code by changing parking requirements and height restrictions. Previously there was no height limit for this area, only a floor-area-ratio of fifteen. This allowed developers to teardown an historic building and build something much taller in its place that was incompatible for the area. There are many

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186 “Nashville Downtown Code,” 22.
examples of these buildings in the area immediately surrounding the Core Historic subdistrict; the subdistrict’s boundaries were drawn to exclude most of these buildings. To prevent this from continuing the building regulations set a height limit at either six or ten stories, depending on mid-block or corner location, still with a floor-area-ratio of fifteen. Setting a height limit is a great disincentive for developers to teardown existing buildings, because they cannot build something new that is taller than what is already there. This creates an incentive to rehabilitate the existing historic buildings.

The Planning Department created a similar disincentive when they wrote the Downtown Code to exclude parking requirements within the entire Downtown area. Previously, the parking requirements made it impossible for new construction to be built to match the existing pattern of development because they needed to make room for parking. This led to full block teardowns of existing buildings in order to accommodate a new building and the required parking. Now that there are no parking requirements it is unlikely that a developer will teardown an existing building for parking. One further incentive to not demolish existing buildings would be to permit transfer of development rights, though as of now this is not possible without historical zoning. Despite all of these incentives, though demolitions are still possible within the Core Historic subdistrict. The Downtown Code does not actually offer protection from demolition. Demolition and a major alteration, as previously discussed, would be considered a derivation of more than twenty percent or a modification of the requirements, and therefore would need review and approval from the Downtown Design Review Committee. Though it may

188 Ibid.
189 Ibid.
help to have a member from the Metro Historical Commission, it does not guarantee
historic buildings protection from demolitions.

Overall, the Core Historic subdistrict of the Downtown Code is effective in
offering incentives to not teardown existing buildings and guaranteeing compatible infill,
but it still has some limitations as a preservation tool. While it does offer disincentives to
demolition, it does not actually prevent demolition or major alterations. The Core
Historic area has lost a lot of its historic fabric and property owners have been opposed to
historical zoning; the form-based building regulations of the Downtown Code are
probably the best alternative if historic zoning is not a possibility.
It is difficult to evaluate the success of these specific form-based codes in Nashville; none have seen new construction that would serve as the most straightforward way to assess whether or not the code can produce compatible infill that maintains the character of the neighborhood. Hillsboro Village has seen exterior rehabilitations as part of adaptive reuse in historic buildings, which can be seen as a success. Demolition and new construction could easily have occurred instead, but because the UDO encourages rehabilitations and because of the preservation-friendly community there, several historic buildings have been reused rather than lost forever. Since the Downtown Code is still relatively new, though, infill development has not occurred under it yet. It is best to evaluate these codes, then on their potential for success.

The building standards for these three case studies take into account the form, massing, height, and setback of buildings; the relationship between buildings and the public realm; parking; and other important urban elements, all of which encourage the preservation and rehabilitation of individual buildings and the overall communities they are part of. All of these items give these codes the potential for success in maintaining
the historic character of the communities they regulate. Both the Metro Planning
Department and the Metro Historical Commission agree that the Urban Design Overlay
for Hillsboro Village and the Downtown Code, specifically within the Second and
Broadway and the Core Historic subdistricts, have the potential for success in terms of
infill, though both also acknowledge the lack of protection from demolition that the codes
offer.\footnote{190}

In addition to considering the historical development of a building or site, historical preservationists look at whole areas, such as streetscapes, neighborhoods, or cultural landscape. They also record historic resources by style, architectural detail, form, mass, orientation, and spatial relationships to other buildings in the area. Through documentation, historic preservationists identify character-defining features and then work to mitigate adverse effects to historic properties. Historic Preservation and FBC planning are natural partners. Both practices identify and consider the relationship of building facades to each other and to the public realm. In addition, FBCs provide a planning tool for protecting and/or revitalizing historic places, which takes into account the qualities and character of the community’s existing historic fabric.\footnote{191}

This quote from the Michigan Chapter of the Congress for New Urbanism sums up very well the relationship between form-based codes and historic preservation. Form-based codes have the ability to work in combination with traditional preservation methods, but can also work on their own as a preservation tool. While on their own FBCs cannot offer the level of protection that locally designated historic districts often do, they can help maintain the character of historic neighborhoods by guiding future development to have more regard for the existing historic fabric and the way the neighborhood historically developed.

\footnote{190} Rick Bernhardt, email correspondence, February 2011; Tim Walker, email correspondence, January 2011.

\footnote{191} Kettren, \textit{Form-Based Codes in 7-Steps}, 13.
Ideally, form-based codes should be used in combination with locally designated districts with an historic zoning overlay and design guidelines. In that situation the form-based code would serve as base zoning that supports the historic overlay; the historic overlay has more weight and can be much more specific in terms of architectural style and to prevent demolition. This is important because if the historic district were to be removed for any reason, the base zoning would remain in place and still be able to guide development along some of the same lines as the historic district. The form-based code may or may not dictate architectural style or materials; it would depend on the specific community vision, but it would at least guarantee compatible infill in terms of form, massing, height, and setbacks and could ensure it would follow historic patterns of development.

If historic districting is not an option, form-based codes can still have a positive impact, in terms of preservation, on their own. They can ensure compatible infill and maintain overall historic character, but they can also offer disincentives that make rehabilitation more attractive than demolition. While FBCs cannot prevent demolition or major alterations as historic districts typically do, they should not be discarded as ineffective. They still can do a lot to maintain the historic character of an area and are a good option in neighborhoods that either lack integrity or where districting is strongly opposed by property owners.

What is most important to remember, though, is that form-based codes are based on community vision; it all depends on the intent of the form-based code, as to whether
or not it will be effective as a preservation tool. If preservation is not the goal of a community, then the form-based code created for it is not likely to take a preservation-minded approach. It is vital that all members of a community who have the vision of preserving their historic neighborhood work together to make that happen. It is also essential that all government entities work together to achieve the goals of the community, whether or not that is historic preservation. That appears to be the case in Nashville, where the Planning Department, which seems to be rather pro-preservation on its own, worked with the Historic Commission in creating Urban Design Overlays and the Downtown Code so that they would fit the needs and goals of the communities they are for and making preservation a focus for the communities that wanted it.

Despite acknowledged shortcomings, overall the form-based planning that has taken place in Nashville should be seen as promising in regard to historic preservation. This is a good place for other communities to study how form-based codes and historic preservation efforts can work together. Hopefully more communities will begin experimenting with form-based codes as a new tool for historic preservation. It would be interesting to return to Nashville in five or ten years and reevaluate the three case studies. Has the historic character and integrity of these areas been maintained? Has new infill development been compatible? Have the disincentives created by the Downtown Code prevented the demolition of historic buildings? These are just a few of the questions to be addressed in the future to see if Nashville’s form-based planning lives up to its potential to work in conjunction with historic preservation efforts. Hopefully this

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Rick Bernhardt, email correspondence, February 2011.
preliminary look into the relationship between form-based codes and historic preservation will be the precursor to future research on this emerging topic.
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Appendix 1: Hillsboro Village Design Guidelines
Hillsboro Village Design Guidelines

Prepared for the Nashville/Davidson County Metropolitan Planning Commission
Nashville, Tennessee
“Hillsboro Village began to take shape in 1920, when two groceries and a pharmacy opened at Twenty-first and Blakemore. By 1922, two more food stores, a post office and a dry cleaners were added to the mix. Within six years nineteen businesses were operating in the village.”

-Author: HOMEPLACE: A History of the Hillsboro-West End Neighborhood Nashville, Tennessee

Automobiles and streetcars share Hillsboro Village in 1925, but the years of the latter are numbered. The sign at the far left of the photograph, atop the building, reads, “Gulf Refining Company.”

-Author: HOMEPLACE:  A History of the Hillsboro-West End Neighborhood Nashville, Tennessee

“Let’s keep the Village a real Village, full of creativity and individuality.”

-Vision Survey Respondent

“I want the Village to be friendly, relaxed, beautiful. However, I’d hate to lose the individuality of the stores and the general quirkiness.”

-Vision Survey Respondent

CONTENTS

1. History
2. Purpose/Creation & Use of Guidelines
3. Public Input Results
4. Sub-Districts
5. Streetscapes
6. Buildings: Height, Massing & Setback
7. Buildings: Roofs, Facades & Materials
8. Parking & Access
9. Signage & Canopies
10. Character Defining Buildings
11. Appendix: Hillsboro Village Urban Design Overlay Regulatory Standards

Hillsboro Village Design Guidelines
Nashville/Davidson County Metropolitan Planning Commission
Nashville, Tennessee
02.12.99

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The area known today as Hillsboro Village began to emerge as a neighborhood commercial center in the 1920s. The Village's proximity to residential neighborhoods, as well as its location along a streetcar line, made the area attractive to retailers. The first businesses, which included two grocery stores and a drugstore, opened in 1920 on 21st Avenue between Blakemore and Acklen Avenue. By the late 1920s, approximately twenty businesses were operating in the Village, lining both sides of 21st Avenue between Blakemore and Acklen Avenues. The area was also home to the Belmont Theater and the Hillsboro Theater which opened in mid-1920s. The Belmont Theater was located on the southwest corner of the 21st Avenue, Blakemore Avenue intersection, and the Hillsboro Theater was in the building known today as the Belcourt Cinema on Belcourt Avenue.

By the 1950s, the Village was undergoing change. The streetcar had been replaced by a bus line, and a dry cleaning establishment and post office were opened on Acklen Avenue. In 1967, the Village was included in a controversial urban renewal plan which was opposed by many residents and business owners. While the plan resulted in the loss of many homes due to the expansion of Vanderbilt University, it also helped preserve the commercial core and nearby residential areas through zoning. In the 1980s, the Village lost Woolworth's, McCrady's, and Mills Bookstore, three well-known retailers. However, the area has evolved economically in the 1990s by offering an eclectic mix of dining and retail establishments.

Hillsboro Village has undergone great change since the 1920s, yet the fundamental character of the area remains intact. These guidelines are intended to preserve and enhance that special character.
Hillsboro Village, with its diverse mix of businesses, pedestrian-friendly environment, and unique design character, is one of the few remaining areas in Nashville which offer people a special experience not found in suburban shopping malls and strip centers. The identity of "the Village" has made it attractive to residents from surrounding neighborhoods, as well as people from the larger Nashville area. Like any economically vibrant and successful area, Hillsboro Village is experiencing development pressures.

The Metropolitan Planning Commission’s Subarea 10 Plan, adopted in 1994, recognizes these growth pressures and the need to preserve and further enhance Hillsboro Village’s special character by identifying it as an area worthy of an Urban Design Overlay (UDO) district.

The design guidelines are intended to ensure compatible development and redevelopment within Hillsboro Village, and they will serve as the basis for the UDO. Specifically, these design standards are intended to:

- Maintain a scale and form of development that emphasizes sensitivity to the pedestrian environment
- Minimize the intrusion of the automobile into the urban setting while still accommodating vehicles
- Provide for the sensitive placement of public spaces in relationship to building masses, street furniture, and landscaping features
- Insure the compatibility of new buildings with respect to the specific character of the immediate context
- Encourage active ground floor uses, such as restaurants, shops, and services to animate the street
- Encourage the adaptive use and sensitive rehabilitation of existing historic buildings
- Protect and enhance the economic viability of the area, as well as the diversity of uses and activities
- Accommodate the Village’s parking needs while still maintaining a pedestrian-oriented urban environment

How the Guidelines were Created

These guidelines were developed through a highly collaborative process which included a wide range of input from those having a stake in the future of Hillsboro Village. Prior to developing specific ideas for the guidelines, several meetings were held with the Project Steering Committee, which included property owners, business representatives, institutional interests, nearby residents, government officials, and planning and design professionals. A Vision Survey was also conducted as part of a public meeting attended by roughly 75 people to gauge community preferences regarding design and development issues. These guidelines were then prepared, reviewed by the Project Steering Committee, presented for public input, and refined until this document accurately reflected the stakeholders’ consensus.

How to Use the Guidelines

These guidelines should be used by property owners, developers, architects, business owners, public officials, and interested citizens when considering rehabilitation or new construction in Hillsboro Village. The guidelines should also be consulted with respect to proposed infrastructure and streetscape improvement projects. The Metropolitan Planning Commission’s staff will review all new projects in the study area which require building permits to ensure consistency with these guidelines. The word "shall" indicates those design standards that are mandated, while terms such as "should", "encouraged", and "discouraged" indicate design principles which are more flexible and advisory in nature. Included on Sheet 10 is a map of properties identified by the Metro Historical Commission as "worthy of conservation". The design and bulk characteristics of these buildings should serve as a model for new construction.

EXHIBIT 2 to Ordinance No. 099 - 1612 as Adopted May 18, 1999

CREATION & USE OF GUIDELINES

These guidelines are intended to preserve and enhance the special character of Hillsboro Village by encouraging rehabilitation and new construction that is sensitive to the existing urban form. The guidelines recognize that no single architectural style predominates in Hillsboro Village, and the guidelines allow for variation in the design of individual buildings. However, there are certain established urban design principles shared by most properties within the district which give it a cohesive character and strong sense of place.

How to Use the Guidelines

These guidelines should be used by property owners, developers, architects, business owners, public officials, and interested citizens when considering rehabilitation or new construction in Hillsboro Village. The guidelines should also be consulted with respect to proposed infrastructure and streetscape improvement projects. While the base zoning continues to govern land use, these guidelines will supercede the base zoning for all design issues and provide more specific bulk, landscaping, parking, and signage standards. The Metropolitan Planning Commission’s staff will review all new projects in the study area which require building permits to ensure consistency with these guidelines. The word "shall" indicates those design standards that are mandated, while terms such as "should", "encouraged", and "discouraged" indicate design principles which are more flexible and advisory in nature. Included on Sheet 10 is a map of properties identified by the Metro Historical Commission as "worthy of conservation". The design and bulk characteristics of these buildings should serve as a model for new construction.
PUBLIC INPUT RESULTS

To gather meaningful public input, a Vision Survey was conducted to encourage participation in the planning process. The purpose of the survey was to solicit visually-based preferences regarding development and design issues in Hillsboro Village. The 74 participants were shown 72 images organized into the following categories: streetscapes, buildings, parking, and signage. For each image, respondents were asked the question: "Is this image appropriate for Hillsboro Village?" and they were asked to rate the image on a scale of 1 to 5, with 5 being the most appropriate. An opportunity for comments was also provided on the survey sheets, and an in-depth discussion occurred after the survey as images were reviewed. Among the key findings of the survey were:

**Streetscapes**
- Suburban/step commercial development characterized by front parking lots and roads lacking sidewalks and landscaping received the lowest scores.
- On-street parking and street trees were highly valued.

**Buildings**
- Images of buildings with varied facades, a vertical orientation, and compatible heights and setbacks received high ratings.
- New buildings incompatible with pro-W W-III buildings in scale, orientation, facade design, and materials were viewed as inappropriate.
- No clear consensus on the rehabilitation of older buildings was established.

**Parking & Access**
- Pop-up parking in front of buildings received low scores.
- Rear parking lots screened with hardscape elements, such as brick walls or fences, were preferred over extensive landscaping as a means of screening surface parking.
- Parking structures having an architectural quality and ground-floor retail/uses received high ratings.

**Signage & Canopies**
- Respondents expressed the desire that signage be controlled.
- Canopies utilizing traditional designs and materials were preferred by respondents, as were appropriately scaled parking signs.

Hillsboro Village Design Guidelines
Nashville/Davidson County Metropolitan Planning Commission

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The meeting standards, comfortable pedestrian environment, and design considerations in the commercial core have contributed to the recent popularity of the Village.

The residential buildings along the south side of Blackmore Avenue constitute a distinct and cohesive design character which contrasts with the north side of the street.

Now used primarily as offices, the residential buildings along 21st Avenue have maintained their architectural character.

A wide variety of building types and design characterize the commercial perimeter areas.

**SUB-DISTRICTS**

Due to the diversity in Hillsboro Village, the area has been divided into seven sub-districts. Sub-districts are based upon original and surviving building types and development character, rather than present uses. Where appropriate, specific design standards have been developed for each.

1A (Commercial Core: Central)
This area, located in the heart of the Village, is targeted for design standards that preserve the existing character. The permitted scale of development distinguishes this sub-district from Sub-district 1B.

1B (Commercial Core: South)
Sub-district 1B is located in the heart of the Village and the existing character is to be preserved. The one and two story buildings in this area serve as a transition between Sub-district 1A and the residential-scale area to the south.

1C (Commercial Core: North)
Located north of Blackmore/Wedgewood Avenue along 21st Avenue, Sub-district 1C lacks the distinct development character present in Sub-districts 1A and 1B. However, future development should be similar in character to the heart of the Village.

2A (21st Avenue Residential Building Type)
This sub-district includes the properties with frontage along 21st Avenue from Acklen Avenue to Fairview Avenue. Pre-WWII residences are the predominant building type along this section of 21st Avenue.

2B (Belmont Residential Building Type)
This sub-district includes properties with frontage on the south side of Belmont Avenue, west of 21st Avenue. This area functions as offices and residences in one and two story, residential structures.

3A (Commercial Perimeter: East)
While commercial structures are the predominant building type in Sub-district 3A, there is no cohesion to building design. This area is a restaurant and service area supporting the businesses in the heart of the Village. Parking structures are encouraged to locate in this sub-district.

3B (Commercial Perimeter: West)
This area is considered a transition from the main part of the Village to an adjacent area zoned for office uses.

Hillsboro Village Design Guidelines
Nashville Davidson County Metropolitan Planning Commission
Nashville, Tennessee
02.12.99 Sheet 4 of 11
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STREETSCAPES

Because streetscape elements are within the public right-of-way, and therefore subject to the policies of the Metropolitan Government, the following guidelines are advisory in nature.

Sidewalks
Sub-walks should be well maintained and provided where not already present. The material used, whether brick or concrete, is not critical as long as the sidewalk is well maintained. Specifically, in Sub-districts 1A, 1B, and 1C, sidewalks should be a minimum of 5 ft. in width and a minimum of 4 ft. in all other sub-districts. The following standards apply to all sidewalks:
• Walkways should be raised above the street level and curbed, but should have depressed curbs at intersections.
• Pedestrian street crossings should be clearly delineated. Recommended delineation includes the use of different pavement color and texture.

Landscaping
The following standards should be considered for landscaping:
• In Sub-districts 1A, 1B, and 1C where a generous sidewalk width is crucial, grass with street trees and/or planters should be used.
• In Sub-districts 2A, 2B, 3A, and 3B, streetscapes should include a planting strip located between the curb and the sidewalk where shade trees can be planted.

Street Furniture
• In Sub-districts 1A, 1B, and 1C, street furniture, such as benches, trash receptacles, and kiosks are appropriate.
• Benches and trash receptacles are appropriate in carefully selected locations in Sub-districts 2A, 2B, 3A, and 3B. Newspaper boxes also contribute to the convenience and urban feel of an area, but should be grouped to avoid visual clutter.

Lighting
Street lighting should be pedestrian scale and decorative. The scale of street lights could increase at intersections.

On-Street Parking
On-street parking should be maintained where it currently exists and be allowed in areas with sufficient street width.

Hillsboro Village Design Guidelines
Nashville/Davidson County Metropolitan Planning Commission
Nashville, Tennessee
02.12.99
Sheet 5 of 11

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Inappropriate

Although architecturally compatible with the Village in many ways, the 4-story scale of this building is inappropriate.

Appropriate

Buildings in Sub-districts 1A and 1C shall not exceed 3 stories in height.

To maintain existing character, the height of new buildings in Sub-districts 1B, 2A and 2B should be capped below 3 stories.

This central building has used pilasters and the shape of the parapet wall to divide a simple facade into three vertically-oriented district bays which keep it in scale with neighboring buildings.

Within those portions of the Village featuring residential buildings, a maximum building width requirement will be the key focusing control.

Within the commercial core of Hillsboro Village, buildings should frame the street and create an "outdoor room", which makes people feel comfortable and encourages pedestrian activity.

Although new used for offices, the Sub-district 2A portion of 21st Avenue was originally developed with homes, and future development here must respect the established building setbacks.

BUILDINGS:
Height, Massing & Setback

Height
- Sub-districts 1A & 1C: The building height shall not exceed 3 stories and 45 ft. (including the parapet wall).
- Sub-district 1B: The building height shall not exceed 2 stories and 35 ft. (including the parapet wall).
- The minimum height of the first floor shall be 14 ft. in 1A, 1B, and 1C (measured floor to floor).
- Sub-district 2A & 2B: Building height shall not exceed 27 ft. at the eave line and 40 ft. at the roof peak.
- Sub-district 3A & 3B: Building height shall not exceed 3 stories and 45 ft. (including the parapet wall) at the front building wall. Additional building height shall not exceed a height control of 2 stories - 18 ft. measured from the front building wall (See Appendix Section A).

Massing
- Long, uninterrupted facades shall be avoided.
- Sub-districts 1A & 1B: A minimum of 50% of the building wall shall be built to the build-to line (See Appendix Section A for exceptions). No uninterrupted front facade plate shall exceed more than 25 ft. Pilasters, variations in the roof line or parapet wall or building wall recesses shall be used to break up the mass of a single building into distinct bays no wider than 25 ft. Variations in materials and colors can also help achieve this massing standard. The length of the street wall for all buildings shall be 100% of the lot frontage along 21st Avenue.
- Sub-District 2C, 2A, 3A, and 3B: At least 50% of the building wall shall be built to the build-to line (See Appendix Section A for exceptions).

Build-To-Lines
- Sub-district 1A & 1B: street line
- Sub-district 3C: street line along 21st Avenue and along intersecting streets for corner lots with frontage along 21st Avenue.
- Sub-district 2A: 75 ft. from center of 21st Avenue. Side: 5 ft. min. Rear: 20 ft. min.
- Sub-district 2B: 45 ft. from the centerline of Bellecourt Avenue. Side: 5 ft. min. Rear: 20 ft. min.
- Sub-district 3A & 3B: minimum of 10 ft. and maximum of 30 ft. from street line.

Hillsboro Village Design Guidelines
Nashville Davidson County Metropolitan Planning Commission
Nashville, Tennessee
02.12.99 Sheet 6 of 11
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Exhibit 2 to Ordinance No. 099 - 1612 as Adopted May 18, 1999

BUILDINGS: Roofs, Facades & Materials

Building standards related to roofs, facades and materials apply only to Sub-districts 1 (Commercial/Core) and 2 (Residential Building Type).

**Roofs**

Roof forms should be appropriate to the building’s architecture and surrounding context.
- Sub-districts 1A, 1B & 1C: Flat roofs with parapet walls are encouraged.
- Sub-districts 2A & 2B: Pitched roofs with a slope between 6:12 and 12:12 are required (excluding porch and dormer roofs).

**Facades**

Facade designs of buildings should emphasize clearly articulated main entrances using awnings, canopies, columns, pilasters and recessed entrances. Window and door openings should have a vertical orientation and alignment. For new construction, facade treatment on a side street is encouraged to be similar to the primary facade treatment.
- Sub-districts 1A, 1B & 1C: 55-85% of the 1st floor shall be transparent. Reflective glass and colored glass are discouraged. First floor glazed area calculations shall be based on the facade area measured to a height of 14 ft. from grade.
- Sub-districts 2A & 2B: Facades reflective of residential building types are encouraged in Sub-districts 2A and 2B. Porches with a minimum depth of 6 ft. and which extend across a minimum of 60% of the facade are encouraged for all new structures. 30-70% of the facade area is encouraged to be glazed.

**Materials**

Materials, textures, and colors should be appropriate for the building’s architecture and surrounding context. Vinyl and aluminum siding are discouraged in all sub-districts.
- Sub-districts 1A, 1B & 1C: Brick is encouraged to be the primary building material. Cut stone, stone, stucco and wood are encouraged to be used to accent the primary building material.
- Sub-districts 2A & 2B: Brick and wood are encouraged to be the primary building materials. Cut stone, stone, and stucco are encouraged to be used to accent the primary building material.

---

Hillsboro Village Design Guidelines

Nashville/Davidson County Metropolitan Planning Commission

Nashville, Tennessee

02.12.99 Sheet 7 of 11
Exhibit 2 to Ordinance No. 099-1612 as Adopted May 18, 1999

PARKING & ACCESS

Location of Parking
The following standards apply:
• Sub-districts 1A & 1B: lots shall be screened from 20'A
  - curbside building facade for a minimum of 35 ft. in height.
• Sub-districts 2A & 2B: parking shall not be located between the building and the street. Parking to the side of buildings is acceptable, provided it is screened.
• Sub-districts 3C, 3A & 3B: parking may be provided to the side of buildings, including the portion of any required yard not directly in front of a building, as long as the parking is heavily screened from the street.

Design of Parking
The following standards apply throughout the Village:
• Shared parking facilities are encouraged.
• The layout and screening of lots should minimize direct views of parked vehicles from streets and sidewalks, and should provide a reasonable amount of shade.
• For lots fronting a public R.O.W., shade trees should be planted at a minimum of one per 80 ft. of street frontage. See Appendix for provisions applying to 21st Ave. S. in sub-districts 1A, 1B, and 2A.
• Screening should be compatible with the style, materials, and colors of the principal building on the same lot. Unless otherwise provided in the Appendix, evergreen hedges and walls shall be used in sub-districts 1A, 1B, and 1C, while evergreen hedges, walls, and fences are encouraged in all other sub-districts.

Parking Structures
Wherever parking structures are permitted to front streets, walls fronting streets should utilize materials, colors, and a pattern of openings consistent with surrounding buildings. Commercial business space is required along the ground floor of parking structures, for 75% of the street frontage to a minimum depth of 20 ft., and minimum glazing standards for that ground floor wall area may apply (see Appendix).

Hillsboro Village Design Guidelines
Nashville Davidson County Metropolitan Planning Commission
Nashville, Tennessee
02.12.99
Sheet 8 of 11

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**Exhibit 2 to Ordinance No. 099 - 1612 as Adopted May 18, 1999**

**SIGNAGE & CANOPIES**

**Design Standards for Signs**
- Wood and painted metal are the preferred materials.
- Plastic and similar synthetic materials are discouraged.
- Facade-mounted signs should be framed with raised edges.
- Signs using wood should use only high-quality exterior grade wood with suitable grade finishes.
- Sign colors should be compatible with the colors of the building facade.
- A dull or matte finish is encouraged to reduce glare and enhance legibility.
- Signs shall not obscure key architectural features.

**Sign Illumination**
- Signs may be either spotlighted, externally lit, or back lit with a diffused light source.
- Sign illumination should be contained primarily within the sign frame.
- Back-lighting should illuminate only the letters, characters, or graphics on the sign, but not its background.
- Neon signs are permitted.

**Canopies**
- Canopies are appropriate at ground-floor level and on upper levels, provided they complement a building’s architectural style and do not conceal significant architectural features. Canvas is the preferred material for awnings. Plastic, metal, and aluminum awnings are strongly discouraged. Wood and metal may be used for other types of canopies.

---

**Applied Letters Signs** - individual letters applied directly to a facade.
- Shall cover no more than 5% of the building facade wall area or 30 sq. ft., whichever is smaller.

**Facade-Mounted Signs** - signs mounted directly on a building facade.
- Shall cover no more than 5% of the building facade wall area or 30 sq. ft., whichever is smaller.

**Awning Signs** - sign with letters/logo painted, silk screened or stitched directly onto a building awning.
- Maximum signed area - 5% of the primary building facade wall area.
- Maximum height: 7 ft. above grade except in visibility areas where minimum height is 10 ft.

**Facade-Painted Signs** - signs painted directly on a building facade.
- Maximum area: 9 sq. ft.
- Min height: 7 ft. above grade.
- Maximum height is 10 ft.

**Window Signs** - a sign which is attached to, painted on, or readily visible through a window.
- Window signs are encouraged to be painted and cover no more than 25% of the facade.

**Canopy Signs** - sign with letters/logo painted, silk screened or stitched directly onto a building awning.
- Maximum signed area - 5% of the primary building facade wall area.
- Maximum height: 7 ft. above grade.
- Maximum height is 10 ft.

**Facade-Painted Signs** - signs painted directly on a building facade.
- Maximum area: 5% of the building facade wall area or 30 sq. ft., whichever is smaller.

**Object Signs** - 2 or 3 dimensional signs replicating an object associated with a business. These signs shall be treated as Projecting Signs.

**Projecting Signs** - signs extending from a primary facade (perpendicular).
- These signs shall not extend above the roof eaves or parapet wall.
- Maximum area: 9 sq. ft.
- Min height: 7 ft. above grade except in visibility areas where minimum height is 10 ft.

**Ground Mounted Signs** - signs extending directly from the ground.
- Encouraged only for buildings having a front setback of at least 20 ft.
- Maximum setback: 5 ft.
- Maximum area: 12 sq. ft.
- Maximum height: 4 ft.

**Free-Standing Signs** - signs elevated above grade by pole(s) or similar structure.
- Encouraged only for buildings having a front setback of at least 20 ft.
- Minimum setback: 5 ft.
- Maximum height: 10 ft.
- Maximum height: 10 ft. in visibility areas.

**Restaurant Menu Signs** - small menus often placed in a glass fronted box and externally illuminated.
- Location: facade mounted within 3 ft. of the restaurant’s primary entrance.
- Maximum area: 2 sq. ft.
The Metropolitan Historical Commission conducted a survey of 20,000 pre-1945 properties in Davidson County between 1984 and 1994. As part of that effort, the Commission identified those buildings in Hillsboro Village which it determined to be "worthy of conservation." In general, these buildings tend to date from prior to WWII and have above average historic and architectural merit. These design guidelines have been drafted with the intention of insuring that future new development is compatible with the character of such buildings. For example, the specific front yard setbacks required for new buildings within the Village were determined by the existing predominant setbacks of these older, character-defining buildings. The purpose of including this map in the guidelines is to clarify which properties should serve as the "measuring-stick" for the compatibility of proposed new development in the Village. Furthermore, this map will help to illustrate the rationale behind many of this document's specific standards.
Appendix

Hillsboro Village Urban Design Overlay Regulatory Standards
SECTION A: HILLSBORO VILLAGE URBAN DESIGN OVERLAY BULK STANDARDS. The bulk standards for the Hillsboro Village Urban Design Overlay (UDO) area that vary from the underlying base zone district standards are presented in this section. General provisions are listed first, followed by Table A-1 in which bulk standards are presented by sub-district within the UDO.

1. General Provisions. The bulk standards that apply broadly within the UDO are as follows.

a) APPLICABILITY OF BASE DISTRICT STANDARDS: Base district bulk standards that are not varied by provisions set forth in this section shall apply within the Hillsboro Village UDO.

b) FLOOR SPACE EXEMPTION FOR PARKING: Floor space designed for parking, including excess parking not required by the zoning ordinance, shall not be included in the calculation of floor/area ratio.

c) PARKING STRUCTURE FACADE: The exterior facade of parking structures shall be covered with architectural cladding that utilizes materials, colors, and a pattern of openings consistent with nearby significant building facades.

d) STREET LEVEL LEASABLE FLOOR SPACE IN PARKING STRUCTURES: Parking decks located at street level shall have no less than seventy-five percent (75%) of the facade along public streets along the following streets:

- 21st Avenue S. in Sub-Districts 1A, 1B (north of Acklen Ave. in MUL district only), and 1C;
- Belcourt Avenue in Sub-Districts 1A, 3A, and 3B;
- Adden Avenue in Sub-District 1B (north side only in MUL district); and
- 20th Avenue S. in Sub-District 3A.

2. Table of Bulk Standards by Sub-District. The bulk standards that apply variably by sub-district within the UDO are presented in Table A-1.

<table>
<thead>
<tr>
<th>BULK STANDARD</th>
<th>1A</th>
<th>1B</th>
<th>1C</th>
<th>2A</th>
<th>2B</th>
<th>3A and 3B</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Rear Yard Setback</td>
<td>0 ft.</td>
<td>0 ft.</td>
<td>0 ft.</td>
<td>5 ft.</td>
<td>5 ft.</td>
<td>0 ft.</td>
</tr>
<tr>
<td>Maximum Building Height</td>
<td>45 ft. including parapet</td>
<td>45 ft. including parapet</td>
<td>27 ft. at the eave line; 40 ft. at the d roof peak</td>
<td>27 ft. at the eave line; 40 ft. at the d roof peak</td>
<td>45 ft. including parapet measured at building facade wall; applies along all public street frontages</td>
<td></td>
</tr>
<tr>
<td>Maximum Height Control Plane</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>2 vertical; horizontal; at building facade wall; along all public streets</td>
</tr>
<tr>
<td>Required Street-Level FAR (excluding parking)</td>
<td>1.00</td>
<td>1.00</td>
<td>1.00</td>
<td>0.50</td>
<td>0.50</td>
<td>1.00</td>
</tr>
<tr>
<td>Minimum SS</td>
<td>1.00</td>
<td>1.00</td>
<td>1.00</td>
<td>0.80</td>
<td>0.80</td>
<td>1.00</td>
</tr>
</tbody>
</table>

a) MINIMUM WALL AT BUILD-TO LINE: At least 50% of the front building wall shall be built to the build-to line or, where applicable, within the maximum setback line. Where the build-to line is the street line, walls designed with projecting elements, such as pilasters, may be setback not more than two (2) feet from the build-to line. Flat front building wall is interrupted by "breaks" (such as pilasters; verticals or masonry changes) shall not exceed 25 feet in width.

b) INCREASED SETBACK: The maximum 10 ft. setback may be increased to not more than 15 ft. from the street line whenever the area between the street line and the front building wall is designed and constructed as an outdoor dining courtyard.

c) APPLICABILITY OF HEIGHT: In Sub-districts 1A, 1B, and 1C, the maximum height applies to any portion of the building.

d) NO HEIGHT CONTROL PLANE APPLICABLE: No height control plane, including that of the base district, shall apply within these sub-districts.
### SECTION B: HILLSBORO VILLAGE UDO PARKING STANDARDS

Parking standards for the Hillsboro Village UDO that vary from the underlying base zone district standards are presented in this section. General provisions are listed first, followed by Table A-2 in which parking standards are presented by sub-district within the UDO.

**1. General Provisions.** The parking standards that apply broadly within the UDO are as follows.

a) **NO LEASING TO NON-UDO USES.** The leasing of excess parking spaces located within the UDO shall not be permitted to satisfy the parking needs of activities located outside of the UDO.

b) **LEASE REQUIREMENTS FOR OFF-SITE PARKING.** For tenants, the lease period for “off-site” parking leased to satisfy requirements shall match the property lease. A 3 year minimum lease shall be required for properties with on-street uses.

c) **EXEMPTION FROM VISIBILITY PROVISIONS.** Development within the UDO shall be exempt from the “visibility triangle” provisions as set forth in Section 17.20.180 of the zoning code.

2. **Table of Parking Standards by Sub-District.** The parking standards that apply variably by sub-district within the UDO are presented in Table A-2.

<table>
<thead>
<tr>
<th>PARKING STANDARD</th>
<th>1A and 1B</th>
<th>2A and 2B</th>
<th>3A</th>
<th>3B</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parking in Front Setback Area</td>
<td>N/A</td>
<td>No parking in portion of front yard between building and street line</td>
<td>No parking in portion of front yard between building and street line</td>
<td>No parking in portion of front yard between building and street line</td>
</tr>
<tr>
<td>Minimum Parking Requirement Other Than Base District</td>
<td>No variation in base district standard</td>
<td>No variation in base district standard</td>
<td>No variation in base district standard</td>
<td>No variation in base district standard</td>
</tr>
<tr>
<td>General Provisions</td>
<td>Parking in excess of that required to satisfy off-site parking needs may be used to satisfy off-site parking needs located anywhere within the UDO</td>
<td>Parking in excess of that required to satisfy off-site parking needs located anywhere within the UDO</td>
<td>Parking in excess of that required to satisfy off-site parking needs located anywhere within the UDO</td>
<td>Parking in excess of that required to satisfy off-site parking needs located anywhere within the UDO</td>
</tr>
</tbody>
</table>

**SECTION C: HILLSBORO VILLAGE UDO SIGN STANDARDS.** Sign standards for the Hillsboro Village UDO that vary from the underlying base zone district standards are presented in this section.

1. **General Provisions.** The sign standards that apply broadly within the UDO are as follows.

a) **SIGN NOT PERMITTED.** In addition to signs prohibited in the base zoning district, on-premise temporary signs shall not be permitted and no permitted signs shall extend above an eave line or parapet.

b) **MAXIMUM MARGARET BUILDING SIGNAGE.** The maximum aggregate amount of display surface area of all permanent on-premise building signage permitted on a parcel per public street frontage shall not exceed 15% of the area of the building façade facing the public street or 192 sq. ft., whichever is less.

c) **LIMITATION ON LIGHTING.** Lighted signs shall be either spotlighted, externally lit, or back-lit with a diffused light source.

d) **PLACEMENT OF SIGNS.** Signs, other than those on windows, shall be placed so as not to obscure key architectural features or door or window openings.

2. **Table of Sign Standards.** The sign standards for individual permanent on-premise signs permitted within the UDO are presented in Table A-3.

<table>
<thead>
<tr>
<th>PERMANENT ON-PREMISE SIGN STANDARD</th>
<th>Minimum setback</th>
<th>Maximum height</th>
<th>Maximum display surface area of individual signs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ground Sign-Monument</td>
<td>5 ft.</td>
<td>2.5 ft. for any part of sign within 15 ft. of street line; 3.5 ft. otherwise</td>
<td>12 sq. ft.</td>
</tr>
<tr>
<td>Ground Sign-Pole</td>
<td>5 ft.</td>
<td>15 ft.</td>
<td>10 sq. ft.</td>
</tr>
<tr>
<td>Building Sign-Projecting</td>
<td>N/A</td>
<td>Eave line or top of parapet</td>
<td>9 sq. ft.</td>
</tr>
<tr>
<td>Building Sign-Wall-Mounted Type</td>
<td>N/A</td>
<td>Eave line or top of parapet</td>
<td>30 sq. ft. for 5% of the building facade wall facing the public street, whichever is less</td>
</tr>
</tbody>
</table>

3. **WAVIER OF DISTANCE BETWEEN USE AND “OFF-SITE” PARKING.** There shall be no limitation on the distance between a use in the UDO and any “off-site” parking leased or owned by that use to satisfy its needs.

### SECTION D: HILLSBORO VILLAGE UDO LANDSCAPING STANDARDS

Landscaping standards for the Hillsboro Village UDO that vary from the underlying base zone district standards are presented in this section.

- **A minimum clearance of 10 ft. shall be provided for any portion of a pole sign that is within 15 ft. of the street line.**
- **A minimum clearance of 10 ft. shall be provided for any portion of a projecting sign that is within 15 ft. of the street line and a minimum clearance of 7 ft. shall be provided for any portion of a projecting sign that is over a walkway and is more than 15 ft. from the street line.**
1. **General Provisions.** The landscaping standards applicable within the UDO that differ from the underlying base district standards are as follows.

   a) **WAIVER OF INTERIOR SURFACE PARKING LOT LANDSCAPING.** The base district standards for landscape buffering and screening within the interior of surface parking lots shall be waived.

   b) **PERIMETER LANDSCAPE BUFFERING AND SCREENING STANDARDS FOR SURFACE PARKING LOTS.** The base zone district landscape buffering and screening standards for the perimeter of surface parking lots shall apply, except as follows:

      1. **SUB-DISTRICTS 1A AND 1B STANDARDS:** A building facade wall shall be provided at the build-to line along the entire length of properties fronting on 21st Ave. S. that are used as street level parking lots to obscure the visibility of said parking from 21st Ave. S. The facade wall shall be at least 15 feet in height, reflect the established character of nearby front building walls, and meet the applicable glazing standards for buildings.

         On corner lots that front on 21st Ave. S., perimeter landscape buffering and screening that obscures the view of the parking lot from the street to a height of 4 feet initially and 6 feet at maturity shall be provided along the edge of the parking lot that faces the side street.

      2. **SUB-DISTRICT 2A STANDARDS:** Perimeter landscape buffering and screening that obscures the view of the parking lot from 21st Ave. S. to a height of 4 ft. initially and 6 ft. at maturity shall be provided along the edge of the parking lot that faces 21st Ave. S.

   c) **LANDSCAPE BUFFERING AND SCREENING REQUIREMENTS ALONG BASE ZONE DISTRICT BOUNDARIES.** The base zone district landscape buffering and screening standards along base zone district boundaries shall apply, except as follows:

      1. **WAIVER WITHIN THE UDO:** The landscape buffering and screening standards shall be waived along internal base zone district boundaries within the UDO.

      2. **SELECTED WAIVERS ALONG THE PERIMETER OF THE UDO:** Along base zone district boundaries that coincide with the boundary of the UDO, the base district landscape buffering and screening standards shall be waived within the UDO whenever:

         • the abutting base zone district outside of the UDO is a nonresidential district; or
         • the abutting base zone district outside of the UDO is a residential district and the boundary is in a public street.
Appendix 2: Nashville Downtown Code
Planning Department staff provides consultations for developing within the Downtown Code. Call (615) 862-6886 or email downtowncode@nashville.gov to schedule a meeting.
## Section I: Introduction

### Table of Contents

**Section I: Introduction** .................................................. 5  
The Downtown Code and the Downtown Plan .......................... 6  
DTC Regulating Plan .......................................................... 11  
Application of the DTC ....................................................... 12  
    - General Provisions .................................................... 12  
    - Applicable Chapters and Sections of the Zoning Code .... 12  
    - How to Use this Document .......................................... 13  
    - Modifications .......................................................... 14  
    - Design Review Committee .......................................... 14  
    - Compliance ............................................................. 15  

**Section II: Subdistrict Standards** ................................. 17  
James Robertson Subdistrict ............................................. 18  
Core Subdistrict .................................................................. 20  
Core Historic Subdistrict .................................................. 22  
Upper Broadway Subdistrict ................................................. 26  
2nd and Broadway Subdistrict .............................................. 28  
River Subdistrict .................................................................. 32  
SoBro Subdistrict ............................................................... 34  
Lafayette Subdistrict .......................................................... 38  
Rutledge Hill Subdistrict ..................................................... 40  
Rolling Mill Hill Subdistrict ............................................... 42  
Rutledge River Subdistrict .................................................. 44  
Gulch South Subdistrict ...................................................... 46  
Gulch North Subdistrict ....................................................... 48  
Hope Gardens Subdistrict ...................................................... 50  
Sulphur Dell Subdistrict ....................................................... 52  

**Section III: Uses** .............................................................. 55  
Use Areas ............................................................................... 56  
Use Tables .............................................................................. 57  

**Section IV: General Standards** ....................................... 59  
Calculations ........................................................................... 61  
Street Character ...................................................................... 62  
Future Streets Plan .............................................................. 66  
Lots and Frontages ............................................................... 67  
    - Specific to Storefront Frontage ....................................... 70  
    - Specific to Stoop Frontage .............................................. 72  
    - Specific to Porch Frontage ............................................. 74  
    - Specific to Industrial Frontage ....................................... 76  
    - Specific to Civic Frontage ............................................. 78  
Canopies and Awnings ......................................................... 79  
Parking and Access .............................................................. 80  
    - Specific to Structured Parking ....................................... 81  
    - Specific to Surface Parking ........................................... 82  
Mechanical, Service and Loading ......................................... 83  
Fences and Walls .................................................................... 84  
Open Space ............................................................................. 85  
    - Plan .................................................................................. 86  
    - General Standards ....................................................... 87  
    - Specific to Greens ......................................................... 88  
    - Specific to Squares ....................................................... 89  
    - Specific to Plazas ......................................................... 90  
    - Specific to Courts ......................................................... 91  
    - Specific to Pocket Parks and Playgrounds .................... 92  
Bonus Height Program .......................................................... 93  
BHP Chart ............................................................................. 99
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Section I: Introduction

The Downtown Code and the Downtown Plan

The Downtown Code (DTC) implements the community vision set forth in the Downtown Community Plan: 2007 Update. Through the community planning process, stakeholders reached a common vision for the future of Downtown. The Plan envisions multiple distinct neighborhoods within Downtown, each with its own character and scale, which contribute to the vitality of Downtown as the center of the city and the region.

The DTC regulates the physical form of buildings to ensure each makes a positive contribution to a complete urban environment. By ensuring a specific and predictable urban form, the DTC ensures that all new construction makes a positive contribution to the public realm – streets and open space – and that all investments are held to the same standard.

While the DTC is a regulating document, the Downtown Plan contains placemaking tools and guidelines and should be used as a companion document to the DTC.

The Guiding Principles of the Downtown Plan have directed the standards in the DTC and are as follows:

Ensure that Downtown remains the civic, commercial and entertainment center for Nashville, Middle Tennessee and the Southeast.

- The regulations of the DTC clarify the vision for each neighborhood in Downtown. Under the DTC, certain areas are allowed to have high-rise towers, while others are zoned for neighborhood-scale development, while still others are allowed to be more transitional with support uses necessary to sustain urban business.
- In recent years, nearly all projects in Downtown have sought rezoning or variances to existing zoning. The DTC alleviates this need by allowing significantly greater development rights, in forms based on construction norms and urban design objectives, than existing zoning. The DTC also allows the modification of standards for site-specific issues.

Provide opportunities for continued growth while preserving and enhancing the character that inspires residents and businesses to move Downtown.

- The Downtown Plan called for areas of increased height and density within Downtown. The Plan extended the boundaries of the Core – the tallest and most intense neighborhood – and provided guidance regarding additional height in other neighborhoods. The DTC codifies these opportunities in the subdistrict standards for these neighborhoods.
- Similarly, the Downtown Plan acknowledged the difficulty of developing within the sky exposure plane in some neighborhoods. The DTC modified the allowable form of buildings by allowing additional height at the street in exchange for an overall height-cap. The result is that properties, and thus neighborhoods, will have the same intensity as in CF zoning but in a form that is aligned with typical construction methods and creates a more predictable urban environment.
- The form and shape of development under CC and CF zoning is unpredictable. The DTC provides clear direction on minimum development and maximum development. For instance, the Gulch is zoned for a specific character, while Sulphur Dell is zoned for something different. This ensures certainty about the character and scale of development in each neighborhood.
- In an urban environment, the street level design and function of a building is of the utmost importance. The interaction of the building with the street should enliven the street, making it comfortable, safe and interesting for pedestrians. The DTC is based on frontage design – storefront, stoop, porch, industrial, and civic – and includes standards on glazing, vehicular access, landscaping, and active uses on the ground level. Correctly designed, these attributes will contribute to safe and interesting streets to result in vibrant neighborhoods and a healthy Downtown.
- A safe and interesting urban environment attracts people. People who feel comfortable in Downtown – enjoying available activities, prospering from the businesses and services, and lingering in the spaces and places – want to be Downtown. The DTC fosters this desirable urban environment through the attention to pedestrian-oriented design, appropriate scale and massing, and neighborhood creation.
Section I: Introduction

The Downtown Code and the Downtown Plan

Create strategic mixed use to facilitate Downtown’s transformation into a 24/7 community.

- The Plan calls for a “thoughtful mixture of uses including residential, retail and office, to ensure that Downtown doesn’t close at 5 p.m. or even after the concert ends or the restaurants close, but is instead a welcoming home for a diverse residential population.” Multiple stories encourage multiple uses within each building, increasing the likelihood that one of the uses will be active at any given hour. Compare this to one story buildings which lack activity during the off-hours of the single use.
- To be viable, Downtown must accommodate numerous services and functions. By promoting form over use, the DTC allows for a mixture of uses. Because various functions occur at different times of the day – working, shopping and recreating during the day, entertainment and home-life at night – mixed-use, 24/7 neighborhoods use existing infrastructure more efficiently and function in a more sustainable way.

Create and nurture urban neighborhoods.

- As stated in the Plan, “While residential development has flourished in recent years, the creation and enhancement of urban neighborhoods is still a goal. Residential living will thrive in Downtown when residents feel that they are part of a neighborhood, supported by shared public spaces and the services and amenities needed for daily life.” The DTC directly addresses the development characteristics of neighborhood design: building mass and scale, frontage design, and open space design.
- To create these distinctive urban neighborhoods, the DTC aligns the regulations of each subdistrict with the intended character of the neighborhood. For instance, the South Gulch is envisioned to continue as a high-rise and mid-rise, mixed-use neighborhood. The DTC codifies mid-rise height in the general subdistrict and allows high-rise buildings on key intersections and along important streets. In contrast, the North Gulch is envisioned to be a low-rise neighborhood – to preserve Capitol views and transition into the Hope Gardens and John Henry Hale neighborhoods. The DTC codifies this vision by capping the overall height, allowing for less intense development such as two story houses and townhouses, and encouraging porch and stoop frontages. These are two examples of how the DTC aligns the zoning of neighborhoods with the vision cast during the community planning process.

“Since 2000, Downtown has experienced an unprecedented residential boom. In 2000, there were approximately 1500 dwelling units in Downtown. As of 2006, over 2600 new residential units were under construction, planned or proposed…Since 2000 there has been over $500 million in capital investments in residential construction, with another $400 million planned or proposed.” In addition, “since 2000, Downtown office building development has grown modestly with $140 million of development completely or under construction.” These strong numbers increase the viability of Downtown. To continue this good momentum, the emphasis must be on place-making as well as development. The DTC encourages the creation of mixed-use, sustainable neighborhoods that have flexibility to address the needs of citizens over time.

Create active, attractive streets and streetscapes.

- “…the Downtown Plan encourages walking as a primary mode of transportation in Downtown. Walking is encouraged in the Downtown Plan by making the walk safe, interesting, and comfortable…” Streets are the most plentiful open space in Downtown and should prioritize the pedestrian experience while appropriately accommodating vehicular traffic. The DTC emphasizes frontage design, requires active ground level uses, and sets standards for vehicular activity.
- The DTC prioritizes the location of vehicular access points per street type – Primary, Secondary, Tertiary, Other, and Alley. By prioritizing, instead of regulating, the DTC allows flexibility for site-specific solutions to be reached in collaboration between the developer and Metro departments.
- While the DTC sets standards on the development of private property, active and attractive streets must be created by a collaborative process with all Metro Departments. As development proposals are offered, Metro will retain a commitment to creating a strong pedestrian-oriented urban
Section I: Introduction

The Downtown Code and the Downtown Plan

environment. “As Downtown becomes home to many of its workers, and mass transit options into Downtown improve, providing welcoming routes for pedestrians will provide benefits in terms of improved mobility and reduced traffic congestion.”

- The DTC references the Downtown Streetscape Design Guidelines, created by Metro Public Works and Metro Planning, and encourages its use.

Protect and reuse historic structures and districts.

- The DTC has a subdistrict for 2nd Avenue and Lower Broadway that reinforces the historic zoning overlay for these streets. To encourage the adaptive reuse of the historic structures, this subdistrict is eligible for transfer of development rights through the Bonus Height Program.
- The creation of the Core Historic subdistrict encourages the preservation of the existing historic buildings between 3rd and 5th Avenues North, while allowing for appropriately scaled and appropriately detailed infill.
- The creation of the Rutledge Hill subdistrict encourages the preservation of the existing historic buildings in this historic residential area, while allowing for appropriately scaled and appropriately detailed infill.
- During the community planning process, the preservation of views to the Capitol building was identified as important to the development of neighborhoods north of Capitol Hill. The maximum building heights in subdistricts north of Capitol Hill are limited to the elevation of the base of the Capitol building to ensure this that this important civic view is preserved.

Create environmentally sustainable and energy efficient development.

- In order to meet the sustainability goals of the Downtown Plan and to achieve Metro Government’s vision of Nashville as the greenest city in the US, the DTC encourages urban infill and energy efficient development.
- By location alone, urban infill is more energy efficient than green-field development because it utilizes existing streets and infrastructure. By emphasizing mixed-use, walkable neighborhoods within Downtown, the DTC reinforces Metro Government’s commitment to sustainability and responsible use of resources. Part of being sustainable is using existing under-utilized infrastructure – water lines, sewer lines, electricity, and streets – in lieu of creating new infrastructure and continuing green-field consumption.
- Location, however, does not ensure sustainability. The creation of the DTC emphasizes the need for a denser Downtown to provide citizens with all daily needs within walking distance, the need for buildings that can be adapted for new uses over time, the preservation and adaptive reuse of existing buildings, and the addition of street trees and open spaces.
- In addition to encouraging sustainable urbanity, the DTC encourages the measurement of energy efficient development through the US Green Building Council’s LEED program. (LEED may be substituted for a different nationally-recognized, third-party system of overseeing green building and/or sustainable development practices.)
- The Bonus Height Program of the DTC provides height bonuses for new construction that meets the standards of LEED silver, gold or platinum. LEED takes credits a project for its urban environment, but also for the sustainability of the building itself. The public benefit associated with LEED certification is significant. The lighter the building treads on the infrastructure of the city, the lighter the burden on the city to maintain the infrastructure. This helps the city function better as a whole. The bonuses are appropriately scaled for each subdistrict and are offered in exchange for the level of contribution of this important public benefit.

Create “great spaces” throughout Downtown for the enjoyment of citizens and visitors.

- In some areas of Downtown, open space is appropriately scaled and designed for the envisioned intensity of the neighborhood. In most areas, however, open space is dramatically lacking. The DTC identifies ¼ mile radius neighborhoods (about a five minute walk from edge to center) within Downtown to show the open space deficiencies. For every quarter mile neighborhood, there should be at least a quarter acre of well-designed public open space. This open space may be provided by public or private initiatives.
- The Downtown Plan recommended that Downtown have unique types of open space available to meet the needs of citizens. The DTC provides standards for the creation
Section I: Introduction

The Downtown Code and the Downtown Plan

of these open spaces: greens, squares, plazas, courts and pocket parks/playgrounds. The open spaces will serve as important “great spaces” to help create the vital and functioning neighborhoods envisioned by the Downtown Plan.

- The Bonus Height Program of the DTC provides height bonuses for the development of public open spaces. To be eligible for the height bonus, the development must follow the standards for open space design. The bonuses are appropriately scaled for each subdistrict and are offered in exchange for this important public amenity.

Provide for improved mobility in and through Downtown to support other principles for healthy growth in Downtown.

- “The Downtown Plan encourages walking as a primary mode of transportation in Downtown.” The DTC standards focus on the interaction between the building and street – the frontage of the building – to make the pedestrian realm safe, comfortable and interesting. This goal will be reached when public and private entities remain committed to creating a pedestrian-oriented Downtown.

- The Downtown Plan notes that “as Downtown becomes home to many of its workers, and mass transit options into Downtown improve, providing welcoming routes for pedestrians will provide benefits in terms of improved mobility and reduced traffic congestion.” While the DTC sets standards on the development of private property, improved transportation options must be created by a collaborative process between the public and private sectors.

The Downtown Plan sets forth the common vision for the future of Downtown, and acknowledges that “the creation of the Downtown envisioned by the community can only be achieved through cooperative efforts of the public and private sectors and through the informed involvement of residents, businesses and investors in Downtown. Adherence to these guiding principles in the development actions of both the public and private sector will create the Downtown Nashville that the community has envisioned – an expanding, vibrant Downtown with opportunities for growth and development that embody the urban experience of a great city.” The DTC is one of several tools to strengthen Downtown through public and private investments.

By focusing on the creation of distinctive neighborhoods, pedestrian-oriented development, the DTC reaches toward the goal of an economically healthy, socially vibrant, and sustainable Downtown.
Section I: Introduction

DTC Regulating Plan: Subdistrict Boundaries

Legend

James Robertson Subdistrict - page 18
Core Subdistrict - page 20
Core Historic Subdistrict - page 22
2nd and Broadway Subdistrict - page 28
Upper Broadway Subdistrict - page 26
SoBro Subdistrict - page 34
River Subdistrict - page 32
Rolling Mill Hill Subdistrict - page 42
Lafayette Subdistrict - page 38
Rutledge Hill Subdistrict - page 40
Rutledge River Subdistrict - page 44
Gulch South Subdistrict - page 48
Gulch North Subdistrict - page 46
Hope Gardens Subdistrict - page 50
Sulphur Dell Subdistrict - page 52

DTC Boundary
Section I: Introduction

Application of the DTC

General Provisions
If necessary, to adhere to the laws and regulations of Federal, State, or local departments or agencies, the regulations in this chapter may be modified. Such modifications may be approved by the Planning Commission, the DTC Design Review Committee or Planning Staff, in accordance with the Modifications section of this Chapter.

To the extent that the provisions of the Downtown Code is inconsistent or in conflict with the provisions of the Gateway Urban Design Overlay District that is also zoned DTC, the provisions of the DTC zoning shall be controlling; however, any provisions of the Gateway UDO may be used provided that the standards of the DTC zoning are met.

Applicable Chapters and Sections of the Zoning Code
In addition to the standards set forth within this document, the following Chapters and Sections of the Metro Zoning Code shall apply to properties with DTC zoning.

- All of Chapter 17.04 GENERAL PROVISIONS AND DEFINITIONS
- Within Chapter 17.08 ZONING DISTRICTS AND LAND USE TABLES
  - Section - 17.08.010 Zoning districts established.
  - Section - 17.08.020 Zoning districts described.
  - Section - 17.12.120 Transfer of development rights.
- All of Chapter 17.16 LAND USE DEVELOPMENT STANDARDS
- Within Chapter 17.20 PARKING, LOADING AND ACCESS
  - Section - 17.20.050 Handicapped parking.
  - Section - 17.20.060 Parking area design standards.
  - Section - 17.20.070 Queuing requirements for drive-through facilities.
  - Section - 17.20.130 Loading space requirements.

- Within Chapter 17.24 LANDSCAPING, BUFFERING AND TREE REPLACEMENT
  - Section - 17.24.010 Purpose and intent.
  - Section - 17.24.020 Landscape plan required.
  - Section - 17.24.030 Standards for form and quality of plants.
  - Section - 17.24.040 Spacing standards.
- Article II. Tree Protection and Replacement
  - Section - 17.24.090 Removal of protected trees.
  - Section - 17.24.100 Replacement of trees.
  - Section - 17.24.110 Protection of trees during development activities.
  - Section - 17.24.120 Less desirable trees.
  - Section - 17.24.160 Interior planting requirements.
  - Section - 17.24.170 Nonconforming parking areas.
- All of Chapter 17.28 ENVIRONMENTAL AND OPERATIONAL PERFORMANCE STANDARDS
- All of Chapter 17.32 SIGN REGULATIONS
- All of Chapter 17.36 OVERLAY DISTRICTS, except Article XII, Urban Zoning Overlay (UZO) District.
- All of Chapter 17.40 ADMINISTRATION AND PROCEDURES, except as otherwise provided for within this document.
Section I: Introduction

Application of the DTC: How to Use this Document

How to Use this Document
The Downtown Code is organized by Subdistricts and Street Types, as identified on the Regulating Plan.

To determine the standards which apply to a particular property:

- On the Regulating Plan, identify the Subdistrict in which the property is located and on what type of street(s) it fronts.
- Consult the Building Regulations for development standards relevant to the Subdistrict.
- Consult the Use Table for uses allowed in each Area.
- Consult the General Standards section for guidance on development standards for all Subdistricts.

Subdistricts and Areas
- Downtown Nashville consists of numerous neighborhoods with unique character. The development standards for the DTC are organized by Subdistricts, which establish the zoning of each neighborhood to create or maintain the envisioned character.
- The DTC is divided into 4 Areas (North, South, West and Central), which establish the allowed uses.
- The DTC includes General Standards that apply to all Subdistricts.

Regulating Plan
- The Regulating Plan is the official zoning map of the DTC. The Subdistrict boundaries are shown on the series of maps which comprise the Regulating Plan.

Overlapping Plans
Within the area governed by the DTC, there exist other regulations and design guidelines intended to work in conjunction with the DTC. The DTC does not exempt development from complying with the regulations of other Federal, State, and Local departments and agencies. These departments and agencies should be contacted during the development process to address their rules, regulations and policies.

MDHA redevelopment districts and Historic overlays at the time of adoption of the DTC.
Section I: Introduction

Application of the DTC: Modifications and Design Review

Modifications to the Standards
Based on site-specific issues, an applicant may seek modifications to the standards of this document. Any standard within the DTC may be modified, insofar as the intent of the standard is being met, the modification results in better urban design for the neighborhood as a whole, and the modification does not impede or burden existing or future development of adjacent properties.

The DTC, the Downtown Plan and any other policies and regulations from governing agencies shall be consulted when considering modifications. Any standards that shall not be modified are explicitly noted in this document.

Modifications may be approved by Planning staff, the Downtown Code Design Review Committee (DTC DRC) or the Planning Commission.

• Minor modifications – deviations of 20 percent or less – may be approved by Planning Staff.
• Any determination made by the Planning Staff may be appealed to the DTC DRC.
• Major modifications – deviations of more than 20 percent – and modifications of standards without numbers may be approved by the DTC DRC. Within MDHA redevelopment districts, the MDHA DRC shall act as the DTC DRC.
• Any determination made by the DTC DRC or the MDHA DRC regarding standards of the DTC may be appealed to the Planning Commission.

Variance and special exceptions
Variance and special exceptions that are not specifically for standards of the DTC zoning district shall follow the procedures of Chapter 17.40, Articles VII and VIII of the zoning code.

Additionally, variances and special exceptions to the DTC standards on height at the street and overall height shall follow the procedures of Chapter 17.40, Articles VII and VIII. The DTC DRC shall provide a recommendation to the Board of Zoning Appeals (BZA) on such cases.

Standards specific to the DTC zoning district may be modified based on the modifications section of this document.

Design Review Committee
Applications that meet all applicable standards of the DTC shall be reviewed by staff before building permits are granted. Such “by-right” applications will not be reviewed by the DTC DRC. The DTC DRC will review applications seeking modifications.

The DTC DRC is subject to the rules and procedures adopted by the Planning Commission. The DTC DRC will consist of eight (8) voting members.

One member shall be nominated by each of the following with confirmation by the Planning Commission:
• Chamber of Commerce
• Civic Design Center
• Downtown Partnership
• Urban Residents Association

One member shall be appointed by the following:
• Mayor
• Vice-Mayor, on behalf of the Metro Council
• Historic Commission
• Planning Commission

Each member shall be a design professional, with a degree or several years of experience in architecture, landscape architecture, planning or urban design. The members nominated by the Nashville Area Chamber of Commerce and the Nashville Downtown Partnership shall be exempt from this requirement.

Each term shall be four years, with the appointees of the Mayor, Vice-Mayor and Planning Commission serving an initial two-year term upon adoption of the DTC.
Section I: Introduction

Application of the DTC: Compliance

Compliance with the DTC shall be required according to the following:

- **Level 1:** An addition of twenty-five percent or less of the square footage of the existing building
  - To the extent practicable, any addition shall be in compliance with applicable standards of the DTC.
- **Level 2:** An addition of more than twenty-five percent of the square footage of the existing building or 1000 square feet, whichever is greater
  - Improvements to the sidewalk according to the Downtown Streetscape Design Guidelines
  - Where possible, the addition of street trees
  - Parking lot landscaping standards
  - To the extent practicable, any addition shall be in compliance with applicable standards of the DTC.
- **Level 3:** Redevelopment after the demolition or destruction of more than five percent and less than fifty percent of the existing building
  - Improvements to the sidewalk according to the Downtown Streetscape Design Guidelines
  - Where possible, the addition of street trees
  - Parking lot landscaping standards
  - To the extent practicable, new construction shall be in compliance with applicable standards of the DTC.
- **Level 4:** Redevelopment after the demolition or destruction of more than fifty percent of the existing building
  - All standards of the DTC
- **Level 5:** New construction of buildings, parking, open space, etc
  - All standards of the DTC

**Signage Compliance**

- For those properties zoned DTC that were zoned CC on January 1, 2010, the sign standards of the DTC zoning district shall apply. For all other properties zoned DTC, the sign standards of the CF zoning district shall apply until June 30, 2011. On July 01, 2011, the sign standards of the DTC zoning district shall apply to all properties zoned DTC.
- No new billboards are allowed within the DTC boundaries.

** See page 12 for applicable Chapters and Sections of the Zoning Code.
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Section II: Subdistrict Standards
The James Robertson Subdistrict is the primarily civic area surrounding Capitol Hill. The Downtown Plan emphasizes “preserving the James Robertson neighborhood’s treasured civic and open space resources, while encouraging redevelopment to offer a mixture of uses…while recognizing that the area’s uses will continue to be dominated by government activities.” The importance of the State Capitol as a Nashville and Tennessee landmark also warrants maintaining views of the Capitol from all vantage points to the west, north and east. The DTC allows a maximum height of 560’ above sea level (the elevation of the base of the capitol building) to preserve these views.
Section II: Subdistrict Standards

James Robertson Subdistrict: Building Regulations

Frontage

A Allowed Frontage Types with Required Build-to Zone

Primary Street
• Storefront Frontage
  o James Robertson Boulevard
    West of 3rd Ave 20'-30'
    East of 3rd Ave 0'-10'
  o Charlotte Avenue 0'-10'
• Stoop Frontage
  o James Robertson Boulevard
    West of 3rd Ave 20'-30'
    East of 3rd Ave 5'-10'
  o Charlotte Avenue 5'-10'

Secondary Street
• Storefront Frontage 0'-10'
• Stoop Frontage 5'-10'

Tertiary Street
• Storefront Frontage 0'-10'
• Stoop Frontage 5'-10'

B Facade width

Primary Street 80% of lot frontage min.
Secondary Street 80% of lot frontage min.
Tertiary Street 60% of lot frontage min.

Remaining lot frontage may be used for pedestrian amenities and shall not be used for parking.

C Min. building depth 15’ from building facade

A building liner is required surrounding parking structures on the all floors facing James Robertson Blvd.

Height

D Max. elevation of 560’

Step-back

Step-back required on all public streets and Open Space

Step-back after 7 stories

Min. step-back depth 15’
The Core is the heart of the Downtown business district, the economic engine of the Middle Tennessee region, and a significant economic force in the Southeast. It is the densest neighborhood in Downtown and has the greatest height allowances. Pedestrian comfort and safety should be prioritized with an interesting sidewalk realm, activity on the ground level of buildings, and controlled vehicular access.
Section II: Subdistrict Standards

Core Subdistrict: Building Regulations

Frontage

A Allowed Frontage Types with Required Build-to Zone

Primary Street
- Storefront Frontage: 0'-10'
- Stoop Frontage: 5'-10'

Secondary Street
- Storefront Frontage: 0'-10'
- Stoop Frontage: 5'-10'

Tertiary Street
- Storefront Frontage: 0'-10'
- Stoop Frontage: 5'-10'

B Facade width

Primary Street: 80% of lot frontage min.
Secondary Street: 80% of lot frontage min.
Tertiary Street: 60% of lot frontage min.
Remaining lot frontage may be used for pedestrian amenities and shall not be used for parking.

C Min. building depth

15' from building facade

Height

D Max.

30 stories

Additional height available through the Bonus Height Program

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Attachment to Ordinance No. BL2009-586
as adopted February 02, 2010
The Core Historic neighborhood has two historic urban spaces – the Arcade and Printers’ Alley. This neighborhood is comprised of several historic buildings, many of which have been recently renovated. The height maximums for this subdistrict reflect historic urban design features – lower buildings mid-block and taller buildings to “book-end” the blocks at the corners. The adaptive reuse of historic buildings is encouraged and new construction should be of appropriate scale and detailing, maintaining the existing storefront rhythm. Pedestrian comfort and safety should be prioritized with an interesting sidewalk realm, activity on the ground level of buildings, and controlled vehicular access.
Section II: Subdistrict Standards

Core Historic Subdistrict: Building Regulations

**Frontage**

1. **Allowed Frontage Types with Required Build-to Zone**
   - **Primary Street**
     - Storefront Frontage: 0'
     - Stoop Frontage: 5'-10'
   - **Secondary Street**
     - Storefront Frontage: 0'
     - Stoop Frontage: 5'-10'

2. **Facade width**
   - **Primary Street**: 95% of lot frontage min.
   - **Secondary Street**: 95% of lot frontage min.

3. **Min. building depth**
   - 15' from building facade
   - A building liner is required surrounding parking structures on all floors facing public streets and Open Space.
## Section II: Subdistrict Standards

### Core Historic Subdistrict: Building Regulations

#### Height

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<th></th>
<th>Max.</th>
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<td>On Corners</td>
<td>10 stories</td>
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<tr>
<td></td>
<td>Mid-Block</td>
<td>6 stories</td>
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#### Step-back

Step-back after

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<td>3</td>
<td>On Printer’s Alley</td>
<td>4 stories</td>
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</tr>
<tr>
<td>5</td>
<td>All Others</td>
<td>6 stories</td>
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</table>

#### Depth

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<tr>
<td>4</td>
<td>On Printer’s Alley</td>
<td>10’ min.</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>All Others</td>
<td>10’ min. and max.</td>
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Step-back not required for buildings fronting Church Street.
Buildings 6 stories or less shall not step-back and all stories shall occupy the Build-to Zone.

#### Max. tower dimensions

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<td>90’ x 90’</td>
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**Block Corner Section**

**Mid-Block Section**
Section II: Subdistrict Standards

Core Historic Subdistrict: Building design and Facade articulation

Building design and Facade articulation

**Primary building divisions** 20’-50’ wide

**Secondary building divisions** 5’-25’ wide
Secondary building divisions are defined by solid vertical elements that consist of changes in materials or planes within the facade.

**First Floor height** 16’ min.

**Windows**
- Ground floor - 60% glazing required from 2 feet above grade to the finished floor of the 2nd story
- Window sill height 18”-24”

**Upper Floors** - Windows shall be vertically oriented at a ratio of 2:1 or greater.
The Upper Broadway area is one of the most important gateways into Downtown. Several civic and cultural buildings front this urban corridor. Maintenance and adaptive reuse of historic buildings is encouraged, and the height and scale of new buildings should be in-keeping with the existing urban pattern. When properties front more than one street, Broadway should be the Principal frontage.
Section II: Subdistrict Standards

Upper Broadway Subdistrict: Building Regulations

Frontage

A. Allowed Frontage Types with Required Build-to Zone

Primary Street
- Storefront Frontage 0-5’
Secondary Street
- Storefront Frontage 0'-5’

** Civic Frontages are encouraged in this subdistrict.

B. Facade width

Primary Street 80% of lot frontage min.
Secondary Street 80% of lot frontage min.
Remaining lot frontage may be used for pedestrian amenities and shall not be used for parking.

C. Min. building depth

15’ from building facade
A building liner is required surrounding parking structures on all floors facing Broadway and Open Space.

Height

D. Max.

100’
Second and Broadway is the heart of Downtown; where the main street of the city meets the Cumberland River. The Downtown Plan encourages maintaining “the low-scale, pedestrian-friendly historic character” and adaptively reusing existing historic structures “in order to respect, maintain, and enhance not only individual structures, but the existing character of the Second and Broadway neighborhood as a whole.” With the exception of the Stahlman building on the northeast corner of 3rd and Union, this neighborhood is overseen by two historic zoning overlays: The Second Avenue Historic Zoning Overlay and The Broadway Historic Zoning Overlay. Property owners must contact the Metro Historic Commission for additional details.
Section II: Subdistrict Standards

2nd and Broadway Subdistrict: Building Regulations

Frontage

A Allowed Frontage Types with Required Build-to Zone
   Primary Street
   • Storefront Frontage  0’
   Secondary Street
   • Storefront Frontage  0’

B Facade width
   Primary Street  100% of lot frontage min.
   Secondary Street 100% of lot frontage min.

C Min. building depth 15’ from building facade

Height

D Min.  40’

E Max. at the street
   • On Broadway  5 stories to a max. height of 65’
   • On 2nd Ave  8 stories to a max. height of 105’
   • On Union St  12 stories to a max. height of 180’

F Min. step-back depth
   • On Broadway  30’
   • On all other streets  20’

G Max. height  1 additional story
   • Within 150’ of the right-of-way of Broadway, height shall not exceed 6 stories or 80’
   • Between 150’ and 200’ of the right-of-way of Broadway, height shall not exceed 7 stories or 90’.
Section II: Subdistrict Standards

2nd and Broadway Subdistrict: Building design and Facade articulation

Building design and Facade articulation

- Primary building divisions 20’-50’ wide
- Secondary building divisions 5’-25’ wide
  Secondary building divisions are defined by solid vertical elements that consist of changes in materials or planes within the facade.
- First Floor height 16’ min.
- Windows
  1. Ground floor - 60% glazing required from 2 feet above grade to the finished floor of the 2nd story
  2. Window sill height 18”-24”
  3. Upper Floors - Windows shall be vertically oriented at a ratio of 2:1 or greater.
The River subdistrict is a unique area between 1st Avenue South and the Cumberland River. This area is owned by the city and is envisioned to be an amenity for all residents and visitors. New development should be done in conjunction with the Parks Department’s Riverfront Redevelopment Plan and should treat the river as an amenity while keeping a strong urban edge along 1st Avenue South and the boulevard. The maximum height is low in order to maintain views of the river from many vantage points in Downtown.
Section II: Subdistrict Standards

River Subdistrict: Building Regulations

Frontage

A Allowed Frontage Types with Required Build-to Zone
   - Primary Street
     - Storefront Frontage: 0'-10'
     - Stoop Frontage: 5'-10'
   - Secondary Street
     - Storefront Frontage: 0'-10'
     - Stoop Frontage: 5'-10'
   - Tertiary Street
     - Storefront Frontage: 0'-10'
     - Stoop Frontage: 5'-15'

B Facade width
   - Primary Street: 80% of lot frontage min.
   - Secondary Street: 80% of lot frontage min.
   - 1st Avenue: 70% of lot frontage min.
   - Tertiary Street: 60% of lot frontage min.
   - Remaining lot frontage may be used for pedestrian amenities and shall not be used for parking.

C Min. building depth
   - 15’ from building facade

Height

D Max.
   - 10 stories to a max. height of 145’

Step-back

- Step-back required on 1st Avenue frontage
- Step-back after 8 stories within a max. height of 105’
- Min. step-back depth: 15’
The SoBro neighborhood is intended to be a high-intensity, mixed-use neighborhood emphasizing cultural and entertainment uses with a mix of residential and office uses. SoBro is an extension of the Core in height and intensity, but it is also a transition to the lower, mid-rise Lafayette neighborhood.

Properties with frontage on the boulevard, and Transitional Properties that consolidate to have frontage on the boulevard, shall be part of the SoBro Subdistrict. Properties south of the boulevard – Transitional Properties – without frontage on the boulevard, shall be part of the Lafayette Subdistrict.
Section II: Subdistrict Standards

SoBro Subdistrict: Building Regulations

Frontage

A. **Allowed Frontage Types with Required Build-to Zone**

- **Primary Street**
  - Storefront Frontage: 0’-10’
  - Stoop Frontage: 5’-10’

- **Secondary Street**
  - Storefront Frontage: 0’-10’
  - Stoop Frontage: 5’-10’

- **Tertiary Street**
  - Storefront Frontage: 0’-10’
  - Stoop Frontage: 5’-15’

B. **Facade width**

- **Primary Street**: 80% of lot frontage min.
- **Secondary Street**: 80% of lot frontage min.
- **Tertiary Street**: 60% of lot frontage min.

Remaining lot frontage may be used for pedestrian amenities and shall not be used for parking.

C. **Min. building depth**

15’ from building facade

Height

D. **Min.**

- On the Boulevard: 3 stories or 35’

E. **Max.**

- West side of 1st Ave and east side of 2nd Ave unless fronting the Boulevard: 15 stories to a max. height of 220’
- 8th Avenue Frontage, south of the roundabout: 8 stories within 100’ of 8th Ave; 30 stories beyond 100’ of 8th Ave stories
- Subdistrict general: 30 stories

Additional height available through the Bonus Height Program

F. **Step-back**

- Buildings taller than 150’: 105’ feet
- Properties on 1st Ave, 2nd Ave, and the Boulevard: 8 stories within 105’

G. **Min. step-back depth**

15’

Notes

All standards of the Gateway UDO shall apply to development along the boulevard except maximum height at the street, step-back depth, overall height, and floor area ratio. The review process for the DTC and the UDO will be consolidated.
• Buildings fronting the future roundabout shall respond to the circle with a facade perpendicular to the radius of the roundabout or a curved facade concentric with the roundabout.
• Curvilinear architectural elements such as arcades are encouraged.
• Only Storefront Frontage shall be permitted fronting the roundabout.
Section II: Subdistrict Standards

Lafayette Subdistrict: Regulating Plan

The Lafayette neighborhood is currently a primarily industrial and business services environment with strong transportation connections to the Gulch, SoBro, Midtown, and South Nashville neighborhoods. This neighborhood will likely retain many of the industrial and business service uses while accommodating a greater variety of uses. The neighborhood is primarily low-rise and should act as a transition from the height of the Core and SoBro to the single-family neighborhoods to the South.

Transitional properties that consolidate to have frontage on the boulevard shall be part of the SoBro Subdistrict. Transitional properties that do not consolidate to have frontage on the boulevard shall be part of the Lafayette Subdistrict.
Section II: Subdistrict Standards

Lafayette Subdistrict: Building Regulations

Frontage

A Allowed Frontage Types with Required Build-to Zone

<table>
<thead>
<tr>
<th>Type</th>
<th>Required Build-to Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary Street</td>
<td>0'-10'</td>
</tr>
<tr>
<td>Stoop Frontage</td>
<td>5'-10'</td>
</tr>
<tr>
<td>Secondary Street</td>
<td>0'-10'</td>
</tr>
<tr>
<td>Stoop Frontage</td>
<td>5'-10'</td>
</tr>
<tr>
<td>Porch Frontage</td>
<td>10'-15'</td>
</tr>
<tr>
<td>Tertiary Street</td>
<td>0'-10'</td>
</tr>
<tr>
<td>Stoop Frontage</td>
<td>5'-10'</td>
</tr>
<tr>
<td>Porch Frontage</td>
<td>10'-15'</td>
</tr>
</tbody>
</table>

Industrial Frontage is allowed in this Subdistrict.

B Façade width

<table>
<thead>
<tr>
<th>Type</th>
<th>Required Build-to Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary Street</td>
<td>80% of lot frontage min.</td>
</tr>
<tr>
<td>Secondary Street</td>
<td>80% of lot frontage min.</td>
</tr>
<tr>
<td>Tertiary Street</td>
<td>60% of lot frontage min.</td>
</tr>
</tbody>
</table>

Remaining lot frontage may be used for pedestrian amenities and shall not be used for parking.

C Min. building depth

15' from building facade

Height

D Max.

<table>
<thead>
<tr>
<th>Location</th>
<th>Height Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>On Lafayette St</td>
<td>12 stories</td>
</tr>
<tr>
<td>Subdistrict general</td>
<td>8 stories</td>
</tr>
</tbody>
</table>

Additional height available through the Bonus Height Program

Step-back

Step-back required for all buildings fronting public streets

E Step-back after

6 stories

F Min. step-back depth

15'
The Rutledge Hill neighborhood includes a variety residential and civic historic buildings. This area is largely intact and new buildings of complimentary height, scale and massing.

Some of these properties are governed by a National Register District that regulates development, restoration and demolition. Property owners must contact the Metro Historic Commission for additional details.
Rutledge Hill Subdistrict: Building Regulations

Frontage

A Allowed Frontage Types with Required Build-to Zone

Primary Street
- Storefront Frontage 0'-10'
- Stoop Frontage 5'-10'
Secondary Street
- Storefront Frontage 0'-10'
- Stoop Frontage 5'-10'
- Porch Frontage 10'-15'
Tertiary Street
- Storefront Frontage 0'-10'
- Stoop Frontage 5'-10'
- Porch Frontage 10'-15'

B Facade width

Primary Street 80% of lot frontage min.
Secondary Street 60% of lot frontage min.
Tertiary Street 60% of lot frontage min.
Remaining lot frontage may be used for pedestrian amenities and shall not be used for parking.

C Min. building depth 15’ from building facade

Height

D Max.
- Primary and Secondary streets 6 stories
- Tertiary streets 4 stories
Additional height available through the Bonus Height Program

Step-back

Step-back required for all buildings fronting public streets

E Step-back after 4 stories

F Min. step-back depth 15’
The redevelopment of the Rolling Mill Hill neighborhood is overseen by the Metropolitan Development and Housing Agency (MDHA) through the Master Plan and Development Guidelines for Rolling Mill Hill.
Section II: Subdistrict Standards

Rolling Mill Hill Subdistrict: Building Regulations

**Frontage**

<table>
<thead>
<tr>
<th></th>
<th>Allowed Frontage Types with Required Build-to Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>All streets</td>
</tr>
<tr>
<td></td>
<td>0-20’</td>
</tr>
</tbody>
</table>

**Facade width**

Minimum 25% of the lot frontage or 25’, which ever is greater. Remaining lot frontage may be used for pedestrian amenities and shall not be used for parking.

**Min. building depth**

15’ from building facade

A building liner is required surrounding parking structures on the ground floor facing public streets and Open Space.

**Height**

<table>
<thead>
<tr>
<th></th>
<th>Max. height at the street</th>
</tr>
</thead>
<tbody>
<tr>
<td>B</td>
<td>65’</td>
</tr>
</tbody>
</table>

**Height Control Plane**

Applies from all streets and Open Space. 1 foot horizontal to 1.5 feet vertical

---

Attachment to Ordinance No. BL2009-586

as adopted on February 02, 2010
Section II: Subdistrict Standards

Rutledge River Subdistrict: Regulating Plan

The Rutledge River neighborhood is situated in a somewhat isolated area along the Cumberland River. Redevelopment of this area should make the most of the riverside location and the adjacent commuter rail line, while preserving the historic building on Hermitage Avenue.

New streets within the Rutledge River Subdistrict shall be Secondary or Tertiary Streets.
Section II: Subdistrict Standards

Rutledge River Subdistrict: Building Regulations

Frontage

A. Allowed Frontage Types with Required Build-to Zone

- **Primary Street**
  - Storefront Frontage: 0'-10'
  - Stoop Frontage: 5'-10'
- **Secondary Street**
  - Storefront Frontage: 0'-10'
  - Stoop Frontage: 5'-10'
  - Porch Frontage: 10'-15'
- **Tertiary Street**
  - Storefront Frontage: 0'-10'
  - Stoop Frontage: 5'-10'
  - Porch Frontage: 10'-15'

Industrial Frontage is allowed in this Subdistrict.

B. Facade width

- **Primary Street**: 80% of lot frontage min.
- **Secondary Street**: 80% of lot frontage min.
- **Tertiary Street**: 60% of lot frontage min.

Remaining lot frontage may be used for pedestrian amenities and shall not be used for parking.

C. Min. building depth

15' from building facade

Height

D. Max.

9 stories

Additional height available through the Bonus Height Program

Step-back

- Step-back required for all buildings fronting public streets
- **Step-back after**: 6 stories
- **Min. step-back depth**: 15'
The North Gulch neighborhood is an area of transition within Downtown. Bordered on the north and west by single-family residential neighborhoods, on the east by prominent state government landmarks, and on the south by industrial, The North Gulch is envisioned to be a unique area that integrates and harmonizes these diverse uses and building types. Redevelopment of this area should make the most of the existing industrial buildings, interstate access and the internal railroad lines.
## Section II: Subdistrict Standards

### Gulch North: Building Regulations

#### Frontage

<table>
<thead>
<tr>
<th>Allowed Frontage Types with Required Build-to Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Primary Street</strong></td>
</tr>
<tr>
<td>• Storefront Frontage: 0’-10’</td>
</tr>
<tr>
<td>• Stoop Frontage: 5’-10’</td>
</tr>
<tr>
<td><strong>Secondary Street</strong></td>
</tr>
<tr>
<td>• Storefront Frontage: 0’-10’</td>
</tr>
<tr>
<td>• Stoop Frontage: 5’-10’</td>
</tr>
<tr>
<td>• Porch Frontage: 10’-15’</td>
</tr>
<tr>
<td><strong>Tertiary Street</strong></td>
</tr>
<tr>
<td>• Storefront Frontage: 0’-10’</td>
</tr>
<tr>
<td>• Stoop Frontage: 5’-10’</td>
</tr>
<tr>
<td>• Porch Frontage: 10’-15’</td>
</tr>
</tbody>
</table>

Industrial Frontage is allowed in this Subdistrict on streets north of Harrison Street, including Harrison Street.

#### Facade width

<table>
<thead>
<tr>
<th>Primary Street</th>
<th>80% of lot frontage min.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Secondary Street</td>
<td>60% of lot frontage min.</td>
</tr>
<tr>
<td>Tertiary Street</td>
<td>60% of lot frontage min.</td>
</tr>
</tbody>
</table>

Remaining lot frontage may be used for pedestrian amenities and shall not be used for parking.

#### Min. building depth

15’ from building facade

#### Height

<table>
<thead>
<tr>
<th>Max.</th>
</tr>
</thead>
<tbody>
<tr>
<td>7 stories</td>
</tr>
<tr>
<td>Buildings fronting Herman St</td>
</tr>
</tbody>
</table>

Additional height available through the Bonus Height Program.
The Gulch South neighborhood is an eclectic neighborhood of business services, restaurant, and retail with many new residential buildings. The area is a link between Downtown and Midtown and is envisioned to be mixed-use mid-rise buildings with opportunities for additional height at key intersections and along important streets. Connectivity – vehicular, rail, bicycle and pedestrian – should be preserved and additional connectivity is strongly encouraged.
Section II: Subdistrict Standards

**Gulch South: Building Regulations**

### Frontage

**A** Allowed Frontage Types with Required Build-to Zone

- **Primary Street**
  - Storefront Frontage: 0'-10'
  - Stoop Frontage: 5'-10'

- **Secondary Street**
  - Storefront Frontage: 0'-10'
  - Stoop Frontage: 5'-10'
  - Porch Frontage: 10'-15'

- **Tertiary Street**
  - Storefront Frontage: 0'-10'
  - Stoop Frontage: 5'-10'
  - Porch Frontage: 10'-15'

### Facade width

- **Primary Street**: 80% of lot frontage min.
- **Secondary Street**: 80% of lot frontage min.
- **Tertiary Street**: 60% of lot frontage min.

Remaining lot frontage may be used for pedestrian amenities and shall not be used for parking.

### Min. building depth

- 15’ from building facade

### Height

- **Max.**
  - On Church St, Broadway and Demonbreun St: 15 stories
  - At the intersection of 12th Ave and Demonbreun, 12th Ave and Division, 8th Ave and Division: 20 stories
  - Subdistrict general: 10 stories

Additional height at intersections applies to frontage within 150 feet of the intersection.

Additional height available through the Bonus Height Program.

### Step-back

Step-back required along all frontages in Subdistrict general and along Broadway.

- **Step-back after**: 7 stories
- **Min. step-back depth**: 15’
The Hope Gardens subdistrict includes the commercial and multi-family areas surrounding the single-family residential at the center of the Hope Gardens neighborhood. Development along the major streets – Jefferson Street and Rosa Parks Boulevard – should be low-rise and should transition in height and mass near the single-family areas. The existing commercial, residential and industrial uses are all important factors within this area and can be maintained while providing opportunities for mixed-use. The harmonization of these many uses – through the regulation of the building forms – will ensure the vitality of this mixed-use neighborhood.
Section II: Subdistrict Standards

Hope Gardens Subdistrict: Building Regulations

Frontage

A Allowed Frontage Types with Required Build-to Zone

- **Primary Street**
  - Storefront Frontage: 0’-10’
  - Stoop Frontage: 5’-10’
- **Secondary Street**
  - Storefront Frontage: 0’-10’
  - Stoop Frontage: 5’-10’
  - Porch Frontage: 10’-15’
- **Tertiary Street**
  - Storefront Frontage: 0’-10’
  - Stoop Frontage: 5’-10’
  - Porch Frontage: 10’-15’

Industrial Frontage is allowed in this Subdistrict along Herman Street only.

B Facade width

- **Primary Street**: 80% of lot frontage min.
- **Secondary Street**: 60% of lot frontage min.
- **Tertiary Street**: 60% of lot frontage min.

Remaining lot frontage may be used for pedestrian amenities and shall not be used for parking.

C Min. building depth

15’ from building facade

A building liner is required surrounding parking structures on the ground floor facing public streets and Open Space.

Height

D Max.

- **Primary Street**: 7 stories
- **Secondary Street**: 4 stories
- **Tertiary Street**: 3 stories

Additional height available through the Bonus Height Program

Step-back

Step-back required for properties abutting the single family neighborhood. Step-back shall be measured from the abutting property line.

E Step-back required after

3 stories

F Minimum step-back depth

30’

Buffer

**Landscape buffer**

A landscaped buffer in accordance with 17.24.240 B-5 shall be required along any property line directly abutting a single or two-family zone district.
The Sulphur Dell neighborhood is a mixed-use neighborhood surrounding the Bicentennial Mall on the north side of Downtown. This area includes many state-owned properties and is envisioned to be a cultural and civic destination within the State. Mixed-use and residential buildings will diversify the neighborhood and provide a transition in height and use into neighborhoods to the north.
Section II: Subdistrict Standards

Sulphur Dell Subdistrict: Building Regulations

Frontage

**A** Allowed Frontage Types with Required Build-to Zone

- **Primary Street**
  - Storefront Frontage: 0’-10’
  - Stoop Frontage: 5’-10’
- **Secondary Street**
  - Storefront Frontage: 0’-10’
  - Stoop Frontage: 5’-10’
  - Porch Frontage: 10’-15’
- **Tertiary Street**
  - Storefront Frontage: 0’-10’
  - Stoop Frontage: 5’-10’
  - Porch Frontage: 10’-15’

**B** Facade width

- **Primary Street**: 80% of lot frontage min.
- **Secondary Street**: 80% of lot frontage min.
- **Tertiary Street**: 60% of lot frontage min.

Remaining lot frontage may be used for pedestrian amenities and shall not be used for parking.

**C** Min. building depth

15’ from building facade

Height

**D** Max.

- **Primary Street**: 7 stories
- **Secondary Street**: 5 stories
- **Tertiary Street**: 4 stories

Additional height available through the Bonus Height Program
Section III: Uses
Section III: Uses

Use Areas

Land uses within the DTC are determined by Area – Central, South, West, and North. To create a sustainable and mixed-used Downtown, the form-based zoning of each subdistrict regulates the shape, scale, and placement of the buildings, and allows a variety of uses.

Uses Area boundaries are the same as Subdistrict boundaries. To determine the allowed land uses, locate the property on the Area Plan, and refer to the Area column on the Land Use Chart for the allowed uses.

Uses Permitted with Conditions or Permitted by Special Exceptions or Accessory shall follow the standards of Chapter 17.16. If standards within Chapter 17.16 and the DTC conflict, the stricter shall apply.
### Section III: Uses

#### Use Tables

<table>
<thead>
<tr>
<th>Residential Uses:</th>
<th>North</th>
<th>South</th>
<th>West</th>
<th>Central</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Two-family</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Multi-Family</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Mobile home dwelling</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Accessory apartment</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Boarding house</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Consignment sale</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Garage sale</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>Historic bed and breakfast homestay</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Historic home events</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Home occupation</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Rural bed and breakfast homestay</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Security residence</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### Institutional Uses:

| Correctional facility                                                            | P     | P     | P    | P       |
| Cultural center                                                                  | P     | P     | P    | P       |
| Day care center (up to 75)                                                       | P     | P     | P    | P       |
| Day care center (over 75)                                                        | P     | P     | P    | P       |
| Day care home                                                                    | P     | P     | P    | P       |
| Day care–parent’s day out                                                        | A     | A     | A    | A       |
| School day care                                                                  | P     | P     | P    | P       |
| Monastery or convent                                                             | P     | P     | P    | P       |
| Orphanage                                                                        | P     | P     | P    | P       |
| Religious institution                                                            | P     | P     | P    | P       |

#### Educational Uses:

| Business school                                                                  | P     | P     | P    | P       |
| College or university                                                            | P     | P     | P    | P       |
| Community education                                                              | P     | P     | P    | P       |
| Dormitory                                                                        | P     | P     | P    | P       |
| Fraternity/sorority house                                                        | P     | P     | P    | P       |
| Personal instruction                                                             | P     | P     | P    | P       |
| Vocational school                                                                | P     | P     | P    | P       |

#### Office Uses:

| Financial institution                                                            | P     | P     | P    | P       |
| General office                                                                   | P     | P     | P    | P       |
| Leasing/sales office                                                             | P     | P     | P    | P       |

#### Medical Uses:

| Animal hospital                                                                  |       |       |      |         |
| Assisted-care living                                                             | P     | P     | P    | P       |
| Hospice                                                                          | P     | P     | P    | P       |
| Hospital                                                                         | P     | P     | P    | P       |
| Medical appliance sales                                                          | P     | P     | P    | P       |
| Medical office                                                                   | P     | P     | P    | P       |

| Medical or scientific lab                                                         | P     | P     | P    | P       |
| Nonresidential drug treatment facility                                            | P     | P     | P    | P       |
| Nursing home                                                                     | P     | P     | P    | P       |
| Outpatient clinic                                                                 | P     | P     | P    | P       |
| Rehabilitation services                                                           | P     | P     | P    | P       |
| Residence for handicapped (8 or more)                                             | P     | P     | P    | P       |
| Veterinarian                                                                      | P     | P     | P    | P       |

#### Commercial Uses:

| After-hours establishment                                                         | PC    | PC    | PC    | PC      |
| Animal boarding facility                                                          | P     | P     | P    | P       |
| ATM                                                                              | P     | P     | P    | P       |
| Automobile convenience                                                            | PC    | PC    | PC    | PC      |
| Automobile parking                                                                | P     | P     | P    | P       |
| Automobile repair                                                                 | P     | P     | P    | P       |
| Automobile sales, new                                                             | P     | P     | P    | P       |
| Automobile sales, used                                                            | P     | P     | P    | P       |
| Automobile service                                                                | P     | P     | P    | P       |
| Bar or nightclub                                                                  | P     | P     | P    | P       |
| Bed and breakfast inn                                                             | P     | P     | P    | P       |
| Business service                                                                  | P     | P     | P    | P       |
| Carpet cleaning                                                                   | P     | P     | P    | P       |
| Car wash                                                                         | PC    |       |      |         |
| Community garden (commercial)                                                     | P     | P     | P    | P       |
| Community garden (non-commercial)                                                | P     | P     | P    | P       |
| Custom assembly                                                                   | P     | P     | P    | P       |
| Donation center, drop-off                                                         | PC    | PC    | PC    | PC      |
| Funeral home                                                                      | P     | P     | P    | P       |
| Furniture store                                                                   | P     | P     | P    | P       |
| Home improvement sales                                                            | P     | P     | P    | P       |
| Hotel/motel                                                                       | P     | P     | P    | P       |
| Inventory stock                                                                   | A     | A     | A    | A       |
| Kennel/stable                                                                     |       |       |      |         |
| Laundry plants                                                                    | P     | P     | P    | P       |
| Liquor sales                                                                       | P     | P     | P    | P       |
| Major appliance repair                                                             | P     | P     | P    | P       |
| Microbrewery                                                                      | P     | P     | P    | P       |
| Mobile storage unit                                                                | PC    | PC    | PC    | PC      |
| Mobile vendor                                                                     | PC    | PC    | PC    | PC      |
| Personal care services                                                             | P     | P     | P    | P       |
| Restaurant, fast-food                                                              | P     | P     | P    | P       |
| Restaurant, full-service                                                           | P     | P     | P    | P       |
| Restaurant, take-out                                                               | P     | P     | P    | P       |
| Retail                                                                            | P     | P     | P    | P       |
| Self-service storage                                                               | P     | P     | P    | P       |
| Vehicular rental/leasing                                                           | PC    | PC    | PC    | PC      |

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Attachment to Ordinance No. BL2009-586 as adopted on February 02, 2010
## Section III: Uses

### Use Tables

<table>
<thead>
<tr>
<th>P</th>
<th>Permitted by right</th>
<th>PC</th>
<th>Permitted with conditions</th>
<th>SE</th>
<th>Special Exception</th>
<th>A</th>
<th>Accessory</th>
<th>O</th>
<th>Overlay District</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>South</td>
<td>West</td>
<td>Central</td>
<td>North</td>
<td>South</td>
<td>West</td>
<td>Central</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vehicular sales &amp; services, limited</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wrecker service</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Communication Uses:
- Amateur radio antenna: P P P P
- Audio/video tape transfer: P P P P
- Multi-media production: P P P P
- Printing and publishing: P P P P
- Radio/TV/satellite tower: PC PC PC PC
- Radio/TV studio: P P P P
- Satellite dish: P P P P
- Telephone services: PC PC PC PC

### Industrial Uses:
- Artisan distillery: P P P P
- Building contractor supply: PC PC PC
- Distributive business/wholesale: PC PC PC
- Fuel storage: A A A
- Heavy equipment sales & service: |
- Hazardous operation: |
- Manufacturing, heavy: |
- Manufacturing, medium: |
- Manufacturing, light: PC PC PC
- Research service: P P P
- Scrap operation: |
- Tank farm: |
- Warehouse: PC PC PC

### Transportation Uses:
- Airport/heliport: |
- Boatdock (commercial): P P P P
- Bus station/landport: P P P P
- Bus transfer station: P P P P
- Commuter rail: P P P P
- Helistop: SE SE SE SE
- Motor freight: |
- Park and ride lot: |
- Railroad station: SE SE SE
- Railroad yard: |
- Water taxi station: P P P

### Utility Uses:
- Power/gas substation: P P P P
- Power plant: A A A A
- Reservoir/water tank: P P P P
- Safety services: P P P P
- Waste water treatment: SE SE SE SE
- Water/sewer pump station: P P P P
- Water treatment plant: SE SE SE SE

### Waste Management Uses:
- Collection center: |
- Construction/demolition landfill: |
- Medical waste: A A A A
- Recycling collection center: P P P P
- Recycling facility: |
- Sanitary landfill: |
- Waste transfer: |

### Recreation and Entertainment Uses:
- Adult entertainment: O O O O
- Camp: |
- Club: P P P P
- Commercial amusement (inside): P P P P
- Commercial amusement (outside): P P P P
- Country club: P P P P
- Drive-in movie: |
- Driving range: |
- Fairground: |
- Golf course: |
- Greenway: P P P P
- Park: P P P P
- Racetrack: |
- Recreation center: P P P P
- Rehearsal hall: P P P P
- Stadium arena/convention center: P P P P
- Temporary festival: P P P P
- Theater: P P P P
- Zoo: |

### Other Uses:
- Agricultural activity: |
- Cemetery: P P P P
- Domestic animals / wildlife: |
- Mineral extraction: |
- Pond/lake: P P P P
Section IV: General Standards

Calculations

Measurement from “Grade”
•Unless otherwise indicated, reference to measurements from “grade” shall be calculated using the average elevation along the public right-of-wayfronting the property. Thus, grade will generally be measured from the public sidewalk, not from grade on site.
•When buildings are set back from the property line more than 15 feet, grade shall be measured as the average existing elevation at the building façade.
•In the event that the base flood elevation, as established by FEMA, is higher than the sidewalk or grade elevations, the height of the first story, shall be measured from 1 foot above the base flood elevation.

Measurement of Height
•Unless otherwise specified herein, the height of buildings shall be measured in stories.
•The maximum height for an individual story shall not exceed 25 feet from finished floor to finished floor for each of the first 2 stories, 18 feet floor to floor above the second story, and 25 feet for the top story of buildings greater than 5 stories.
•The minimum building height shall be 25 feet. This applies to all buildings except those designed for single-family use, two-family use, or multi-family use with residential on the ground floor.
•The maximum height for a raised foundation is 6 feet above grade.
•Basements are not considered stories for the purposes of determining building height.
•Building height shall be measured from each Street Frontage (excluding Other streets and alleys) or Open Space.
•The height of a parking structure concealed by a building liner may be equal to the height of the liner, regardless of the number of stories. If there is no liner to conceal the parking structure, its height is limited by the maximum number of stories allowed.
•The height of fences, walls and hedges shall be measured in feet from the average sidewalk elevation.

Fenestration and Glazing
•Except as specifically referenced herein, façade glazing and opening standards shall include windows, doors and openings in parking structures and shall apply to all areas of the building façade facing a public street or open space (excluding Other streets and alleys) as follows:
  ▪First Floor: façade area measured from the finished floor to a height 14 feet above the finished floor.
  ▪Upper Floors: façade area from finished floor to finished floor.
  ▪Openings for vehicular access to parking structures on the first floor shall not be included in calculation of total façade area or glazed area.
 ▪The DTC recognizes the need for building systems and functionality including interior mechanical systems, fire safety egress, other building code issues and their impact of the feasibility of building fenestration. Areas of the façade affected by these elements shall not be counted toward minimum glazing requirements.
Section IV: General Standards

Street Character

The public right-of-way, including streets, sidewalks and public utility infrastructure, plays both a functional and social role in the life of the city and its citizens. Streets organize the city, help to define space, and link destinations. The street is also a public place where people congregate, shop, socialize and live. Active, attractive streets are critical to the continued growth and success of Downtown. The DTC includes urban design tools to make working, living and playing in Downtown lively, safe and comfortable.

The DTC uses Street Types as an urban design and organizing tool. All streets are classified on the Regulating Plan as Primary, Secondary, Tertiary, Other, or Alley.

Where alleys exist and are in working condition, or where new alleys can be created, the DTC prioritizes alleys for access and loading. The location of vehicular access from all other streets shall be determined on a case-by-case basis.

The Downtown Plan: 2007 Update calls for “a strong emphasis on expanding other modes of transportation including walking, cycling and transit.” The DTC emphasizes walking, cycling and transit as primary modes of transportation within Downtown through the urban design of individual buildings, blocks, and neighborhoods.

All Streets

- Streets refer to publicly or privately owned right-of-way. They are intended for use by pedestrian, bicycle, transit and vehicular traffic and provide access to property.
- Streets consist of vehicular lanes and the Sidewalk Corridor. The vehicular lanes, in a variety of widths, provide traffic and parking capacity and may include bicycle paths. The Sidewalk Corridor contributes to the urban character of each neighborhood. It may include pedestrian paths, landscaped planters, street furnishings and street trees.
- Pedestrian safety, comfort, and accessibility should be a primary consideration of street design and dimensioning.
- When alleys are present, vehicular access from alleys is preferred. Vehicular access from public streets shall be considered in the following order: Other Streets, Secondary Streets, Tertiary Streets and then Primary Streets as approved by Metro departments.
Section IV: General Standards

Street Character

Street Types

• Primary Street: Primary Streets accommodate high levels of pedestrian activity and high levels of vehicular traffic. On Primary Streets, active uses – residential, retail, restaurant or office – lining parking structures and on the first floor of buildings, and restricted vehicular access enhance the pedestrian experience. Primary streets provide the opportunity for more intense, urban development including shallow Build-to Zones and, in some cases, increased building height. Pedestrian comfort on these streets is of highest importance. Primary streets should have a continuous street wall, wide sidewalks between 15 and 20 feet to provide room for street furniture such as benches, trash receptacles, and bicycle parking. Primary Streets have the highest level of urban activity such as, outdoor dining, retail displays, and community activities like markets, parades, and music. Street trees provide protection from the sun and rain, reduce stormwater runoff and air pollution, and provide aesthetic value to the city. Trees should be planted in wells with tree grates to allow for the uninterrupted flow of pedestrian traffic.

• Secondary Street: Secondary Streets have moderate levels of pedestrian activity and moderate levels of vehicular traffic. Secondary Streets may be mixed-use or more residential in character. The Build-to Zone is generally shallow, and building heights are limited. In mixed-use areas, a continuous street wall should be maintained and sidewalks should be between 12 and 15 feet wide to accommodate pedestrian traffic. In residential areas, the required minimum façade width is limited – allowing for more space between buildings – and sidewalks may be narrower. Both tree wells and open landscaped planters are appropriate depending on sidewalk width.

• Tertiary Street: Tertiary Streets are the less important than Primary and Secondary streets. They may function as “back of house” for buildings with multiple street frontages. Care should be taken to make these streets as pedestrian-friendly as possible while accommodating loading and access needs.
Section IV: General Standards

Street Character

- **Other Street**: Other Streets are streets that do not fall into any of the other street categories. They may have high or moderate levels of vehicular traffic, but often have no access to property and limited pedestrian activity. Building height along these streets is regulated by the other property frontages. Buildings do not front on these streets and may be built up to the property line.

- **Alley**: Alleys are service roads that provide shared access to property. Public utilities as well as access to mechanical equipment and trash should be located off an alley whenever possible. Where alleys exist and are in working condition, or where new alleys can be created through the dedication of new right-of-way, alleys are prioritized for access and loading.

Sidewalk Corridor

- The Sidewalk Corridor is the portion of the right-of-way between the vehicular lanes and the property line or building façade.
  - The primary function of the Sidewalk Corridor is to provide a safe, comfortable, and convenient route for pedestrian travel that is separated from vehicular movements.
  - The Sidewalk Corridor is a public space that should include pedestrian amenities such as seating, shade trees, places to congregate, trash receptacles and outdoor dining.
  - The Sidewalk Corridor may accommodate public utilities such as electric poles and vaults, water and sewer lines, bus stops and traffic signals.

- As property develops within the DTC boundaries, property owners shall consult with Public Works to make the necessary improvements to the streetscape in accordance with the *Downtown Streetscape Elements Design Guidelines*, the *Strategic Plan for Sidewalks and Bikeways* and Title 17.20.120 Provision of sidewalks.
Section IV: General Standards

Street Character

Street Trees
Shade-producing street trees shall be planted in the public right-of-way along the length of the lot frontage at a maximum spacing of fifty feet or in accordance with the regulations of Metro departments and agencies.

Tree Quality
Tree species shall be chosen from the Urban Forestry Recommended and Prohibited Tree and Shrub List based on tree size and planting area provided or an alternative species deemed appropriate by the Urban Forester.

• At planting trees, shall meet the requirements for street trees set out in the American Standard for Nursery Stock.
• All nursery stock used as street trees shall be vigorous, healthy and free of diseases or infestation.
• Planting Area Dimension
  □ The following standards are minimum standards. All development is encouraged to provide street trees with the largest area of pervious surface and volume of soil that can be accommodated.
  □ Trees shall be accommodated in planting areas with a minimum depth of 3 feet and a minimum soil volume of 400 cubic feet.
  □ The minimum pervious opening at grade shall be 25 square feet.
  □ Tree vaults shall have the capability to drain water.
  □ Planting areas shall not inhibit ingress/egress from buildings or pedestrian traffic along the Sidewalk Corridor.

Future Streets
Downtown thrives on a connected system of streets which allow easy access within neighborhoods and to other parts of the city. There are, however, places for improvement. The Future Streets Plan show how streets could be realigned, connected and created in the future to improve mobility within Downtown.

Properties near an area highlighted for change on the Future Streets Plan shall consult with the Planning Department and the Department of Public Works to discuss the potential change.
Section IV: General Standards

Future Streets Plan

Legend

- Primary Street
- Secondary Street
- Tertiary Street
- Other Street
- Alley
- Future Street Connection
- Future Alley
- Street Closure
Section IV: General Standards

Lots and Frontages

Frontages
A Frontage is the specific way in which the building face addresses the street. It is the transition and interaction between the private and public realms. Building Frontages define the character and form of the public spaces within each neighborhood. The following standards shall apply to all development within the DTC.

• Buildings shall front a street (excluding alleys), open space, or a pedestrian passage.
• Principal and Minor Frontages
  ▫ Every property shall establish one Principal Frontage along a street.
  ▫ When a lot fronts more than one street the following priority shall be given when establishing the Principal Frontage: Primary Street, Secondary Street, Tertiary Street, Other Street.
  ▫ Any other frontage(s) shall be treated as a Minor Frontage.
  ▫ In the instance a property fronts multiple Primary streets, any may be chosen as the Principal Frontage or all may be treated as the Principal Frontages.
  ▫ Along a Minor Frontage, the façade width may be reduced to the maximum depth of the building along the Principal Frontage. The remaining lot width shall be defined with a knee-wall according to the Walls and Fences section of the DTC.
  ▫ Along a Minor Frontage, modifications may be granted for the reduction of ground level garage liners and/or glazing requirements.
• Façade Width
  ▫ The minimum façade width is the minimum amount of the frontage that must be defined by a building and is designated as a percentage of the frontage.
  ▫ If a single lot frontage is greater than two hundred feet, the façade width may be reduced to a minimum of one hundred and fifty feet in length.
• Open Space Frontages
  ▫ When building facades front on open space the standards of the adjacent street type (excluding Tertiary) shall apply.
  ▫ All buildings fronting open space shall have a minimum of one primary pedestrian entrance on the open space.
• Pedestrian Passage Frontages
  ▫ When building facades front on a pedestrian passage the standards of the adjacent street type (excluding Tertiary) shall apply.
  ▫ All buildings fronting a pedestrian passage shall have a minimum of one primary pedestrian entrance on the pedestrian passage.

Build-to Zone
• The Build-to Zone is the specified depth along a property’s street frontage(s) in which the required minimum façade width must be located. The depth is Subdistrict and Street Type specific.
• Depending on site conditions the front of the Build-to Zone may begin at different locations.
  ▫ When the existing sidewalk meets with the Downtown Streetscape Design Guideline standards for sidewalk width, the Build-to Zone begins at the back of the sidewalk/property line.
  ▫ When the existing sidewalk does not meet with the Downtown Streetscape Design Guideline standards for sidewalk width, the sidewalk should be widened on site and the Build-to Zone begin at the back of the new sidewalk.
  ▫ When utility easements exist along the street frontage of a property the Build-to Zone shall begin at the back of the easement.
  ▫ When buildings front an open space the Build-to Zone shall begin at the back of the open space.
• Attachments
  ▫ Structures, including porches, stoops, and balconies shall not encroach beyond the front of the Build-to Zone.
  ▫ Elements such as stairs, awnings, and landscaping may encroach beyond the front of the Build-to Zone. Any encroachments into the right-of-way must follow the Mandatory Referral process.
• Entrances
  ▫ All buildings shall have at least one pedestrian entrance on the Principal Building Frontage. This may be access to a lobby shared by individual tenants.
  ▫ Corner entrances are appropriate on corner lots.
Section IV: General Standards

Lots and Frontages

• Glazing
  ▫ All street level exterior windows must have a minimum light transmission of 60 percent.
  ▫ Modifications may be permitted insofar as it is determined that tinting does not substantially diminish the effect of the building wall or the pedestrian character of the street.
• Vehicular Access
  ▫ When calculating the minimum façade width, access to structured parking shall be counted as part of the required façade width, and access to surface parking shall not be counted part of the required façade width. That is, access to surface parking is allowed in the “remaining” area, after the façade width requirement has been met. Surface parking is not allowed in the “remaining” area.

Active Use

• An active ground floor use requirement shall mean a habitable space occupied by retail, office, residential, institutional or recreational uses, specifically excluding parking and mechanical uses.
• An active use is required on the ground floor of all Primary streets, Secondary streets, Open Space and pedestrian passages. An active use is encouraged on Tertiary streets, particularly if the Tertiary street is the only street frontage, but is not required.
• Any references to the requirement of an active use on the ground floor on “streets” or “public streets” shall exclude Tertiary streets, Other streets, and alleys and shall include Open Space and pedestrian passages.
• The term “active use” and “building liner” are synonymous.

Auto-oriented canopies and awnings

• Auto-oriented canopies and awnings, for uses such as drive-thrus and gas station pumps, may be attached to a building according to the following:
  ▫ The building shall comply with all Frontage standards.
  ▫ The canopy and/or awning shall be lower in height than the primary building.
  ▫ The setback of the canopy and/or awning shall be a minimum of 15 feet from the back of the Build-to Zone.

• Exteriors
  ▫ Any new roof or complete resurfacing of an existing roof must use a roofing material having an SRI of 29 or greater for roof slopes greater than 2:12 or SRI of 78 for slopes less than or equal to 2:12.
Section IV: General Standards

Lots and Frontages: Specific to Storefront Frontage

The Storefront Frontage has a limited Build-to Zone that is close to the street, with building entrances accessible at sidewalk grade. The Storefront Frontage has substantial glazing on the facade at ground level, space for pedestrian-oriented signage, awnings, retail display, and other design features conducive with creating an active commercial streetscape.

The Storefront Frontage is commonly used for general commercial, office, retail, restaurant, lobby, etc.
Lots and Frontages: Specific to Storefront Frontage

<table>
<thead>
<tr>
<th>Storefront Frontage</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>A Max. sill height</td>
<td>3 ft</td>
</tr>
<tr>
<td>B Min. ground floor height</td>
<td>14 ft from grade</td>
</tr>
<tr>
<td>C Min. upper floor(s) height</td>
<td>10 ft floor to floor</td>
</tr>
<tr>
<td>D Min. ground floor glazing</td>
<td></td>
</tr>
<tr>
<td>Principle Frontage</td>
<td>40% from grade to 14 ft</td>
</tr>
<tr>
<td>Minor Frontage</td>
<td>30% from grade to 14 ft</td>
</tr>
<tr>
<td>E Min. upper floor(s) openings</td>
<td>25% from floor to floor</td>
</tr>
</tbody>
</table>

Notes
Where Storefront frontage is allowed, modifications may be given to allow for a Storefront arcade. All Storefront Frontage standards shall be met on the facade behind the arcade.
Section IV: General Standards

Lots and Frontages: Specific to Stoop Frontage

The Stoop Frontage has a limited to moderate Build-to Zone with the first floor elevated from the sidewalk grade. This frontage type utilizes a stoop - a small landing connecting a building entrance to the sidewalk by a stair or ramp - to transition from the public sidewalk or open space into the building.

Stoops are generally provided externally, but may be provided internally as necessitated for ADA compliance.

The Stoop Frontage is generally used for residential and live-work buildings, but may be appropriate for other uses.
Section IV: General Standards

Lots and Frontages: Specific to Stoop Frontage

Stoop Frontage

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>First floor elevation</td>
</tr>
<tr>
<td></td>
<td>Min. 18” from grade</td>
</tr>
<tr>
<td></td>
<td>Max. 5 ft from grade</td>
</tr>
<tr>
<td>B</td>
<td>Min. ground floor openings 30% floor to floor</td>
</tr>
<tr>
<td>C</td>
<td>Min. upper floor(s) openings 25% from floor to floor</td>
</tr>
</tbody>
</table>

Stoop

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>D</td>
<td>Min. stoop width 5 ft</td>
</tr>
<tr>
<td>E</td>
<td>Stoops may not extend beyond the front of the Build-to Zone.</td>
</tr>
<tr>
<td>F</td>
<td>Steps may extend beyond Build-to Zone, but may not encroach into the public Right-of-Way.</td>
</tr>
</tbody>
</table>

Notes

Greater first floor elevation allowed by modification for:

- Property with significant elevation change across the site at the street frontage.
- Development that incorporates below grade basement floors that are accessible from the exterior of the building.

Transition to first floor elevation may be accommodated on the interior of the building to allow for compliance with ADA accessibility requirements.

Entries shall not be recessed more than 4 feet from the facade of the building.

Doors shall face the street.
Section IV: General Standards

Lots and Frontages: Specific to Porch Frontage

The Porch Frontage has a moderate Build-to Zone with the first floor elevated from the sidewalk grade. The Porch Frontage utilizes a porch - an open air room appended to the mass of a building with floor and roof but no walls on at least two sides - to transition from the public sidewalk or open space into the building.

The Porch Frontage is primarily used for residential buildings.
Section IV: General Standards

Lots and Frontages: Specific to Porch Frontage

Porch Frontage

A. First floor elevation
   Min. 18” from grade
   Max. 5 ft from grade

B. Min. ground floor openings 30% floor to floor

C. Min. upper floor(s) openings 25% from floor to floor

Notes

Greater first floor elevation allowed by modification for:

• Property with significant elevation change across the site at the street frontage.

• Development that incorporates below grade basement floors that are accessible from the exterior of the building.

Transition to first floor elevation may be accommodated on the interior of the building to allow for compliance with ADA accessibility requirements.

Entries shall not be recessed more than 4 feet from the facade of the building.

Doors shall face the street.
Section IV: General Standards

Lots and Frontages: Specific to Industrial Frontage

The Industrial Frontage shall be used to adapt existing buildings to the standards of the DTC and for new construction of buildings intended for industrial uses. The Industrial Frontage shall be allowed only in specified subdistricts on specified streets and shall be prohibited on Primary Streets.

The Industrial Frontage mitigates the negative impact of the “blank wall” on the street by requiring the Build-to Zone to be entirely landscaped with drought-resistant plantings. All landscaping shall be in a functioning bioswale, or irrigated using drip irrigation or sub-surface irrigation. If drought-tolerant species are used, no irrigation is require.

A primary pedestrian entrance is required on the Principle Facade.

Associated vehicular entrances shall comply with the Parking and Access and Mechanical, Screening and Loading standards.
# Section IV: General Standards

## Lots and Frontages: Specific to Industrial Frontage

<table>
<thead>
<tr>
<th>Industrial Frontage</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>A Front door</td>
<td>Required on Principle Facade</td>
</tr>
<tr>
<td>B Min. Building Height</td>
<td>25 ft from grade</td>
</tr>
<tr>
<td>C Build-to Zone</td>
<td>5-10 ft</td>
</tr>
<tr>
<td>D Landscaping</td>
<td>Entire Build-to Zone shall be landscaped with drought resistant species; in a bioswale or irrigated 2’-6”</td>
</tr>
<tr>
<td>E Min. landscaping height</td>
<td></td>
</tr>
</tbody>
</table>

**Notes**
Industrial Frontage is prohibited on Primary streets. A building intended for an industrial use, with frontage on a Primary street shall comply with the standards of another frontage type on the Primary street.
Section IV: General Standards

Lots and Frontages: Specific to Civic Frontage

Civic buildings are designed and constructed for community use or benefit by governmental, cultural, educational, public welfare, or religious organizations. Civic buildings are inherently unique structures that present opportunities for unusual and iconic design within the urban fabric. Civic buildings should be designed with prominence and monumentality.

A Civic building shall be oriented to streets and public spaces and follow the intent of the particular subdistrict in which it is located with regard to pedestrian orientation, massing, and articulation.

Key architectural features should act as community focal points. Where possible, street axes should be terminated by the primary building form or architectural feature. Towers, spires, and other vertical forms are encouraged.

Civic buildings may include the following: community buildings, libraries, post offices, schools, religious institutions, publicly owned recreational facilities, museums, performing arts buildings, and municipal buildings.

Civic buildings shall be reviewed by modification.
Section IV: General Standards

Canopies and Awnings

Canopies

A Clearance
Minimum from sidewalk 8’
Minimum with ROW encroachment 14’
Maximum 25’

B Maximum projection  within 2’ of curb

C Maximum canopy height 4’

Notes
Canopies shall be permitted only over pedestrian and vehicular building entrances, and shall not be permitted above windows. Canopies shall be constructed as a roof-like structure. Fabrics and non-rigid plastic are prohibited.

Canopies

A Clearance
Minimum from sidewalk 8’
Minimum with ROW encroachment 14’

B Maximum projection
First floor 4’ from facade
Upper floors 2’ from facade

C Maximum awning height 5’

See the Lots and Frontages section for details on auto-oriented canopies and awnings.

Encroachments in the public right-of-way must meet Metropolitan Government’s current clearance standards and be approved under the mandatory referral process prior to installation.
Section IV: General Standards

Parking and Access: General

Parking Requirements
- No parking is required within the boundary of the DTC.

Parking and Access General Standards
- In addition to the Parking and Access standards of the DTC the following shall apply:
  - 17.20.050 Handicapped parking, 17.20.060 Parking area design standards, and 17.20.130 Loading space requirements.
- When alleys are present, vehicular access from alleys is preferred. Access from public streets shall be considered in the following order: Other Streets, Secondary Streets, Neighborhood Streets and then Primary Streets as approved by Metro departments. Reviewers shall consider the public safety, street character, and pedestrian experience.
- Vehicular / Pedestrian Conflict
  - Valet and “drop-off” areas shall be located within the right-of-way when space allows.
  - Where driveways to parking facilities or drop-off areas cross the Sidewalk Corridor the following design elements shall be required:
    - Bollards or other protective device shall be used to separate pedestrian and vehicular areas.
    - Distinction between vehicular lane and pedestrian areas shall be indicated through changes in grade, color, texture and/or material.
- To reduce stormwater fees and impact, utilize Low Impact Development strategies published in Metro Water Services Stormwater BMPs for hardscaping, including parking and drive lanes.
Section IV: General Standards

Parking and Access: Specific to Structured Parking

Vehicular Access
• Vehicular openings to parking structures shall not exceed thirty-five feet in width.
• Vehicular openings shall have a minimum spacing of thirty-five feet.

Pedestrian Access
• All parking structures with parking available to the public shall have a clearly marked pedestrian entrance, separate from vehicular access, on street frontages. A publicly accessible building lobby may meet this requirement.

Location and Lining
• On the ground level, parking structures shall be located behind a liner building with an active use that is a minimum of fifteen feet deep.
• Upper level habitable liners are encouraged on all streets and are required on the south side of Division Street and on James Robertson Parkway. See the Bonus Height Program for more information on incentives for upper level garage liners.
• Underground parking that is visible from the street, shall not extend beyond the façade of the building. Underground parking that is completely below grade may extend beyond the façade of the building. Underground parking may not encroach into the right-of-way.
Section IV: General Standards

Parking and Access: Specific to Surface Parking

General Standards for Surface Parking
• Parking area screening and landscaping standards shall apply to all surface parking lots including, but not limited to, public and private parking facilities, driveways and access aisles, the outdoor display of automobiles and other vehicles that are for sale or lease.

Perimeter Screening Standards for Surface Parking
• Parking areas adjacent to public streets and open space shall be separated from the edge of the right-of-way and/or property line by a perimeter landscape strip a minimum of five feet in width which shall be landscaped per the standards of this section.
  □ All perimeter landscape strips adjacent to public streets and open space shall include a fence or wall in accordance with the Fence and Wall Standards.
• Parking areas shall be separated from adjacent side lot lines by a perimeter landscape strip a minimum of 5 feet in width, which shall be landscaped per the standards of this section.
  □ A two and one-half foot landscape strip may be provided if the required trees are to be planted in tree islands located adjacent to the property line.
  □ Two adjacent properties may share equally in the establishment of a seven-foot (minimum) planting strip along the common property line. In instances where the common perimeter planting strip is part of a plan for shared access, each owner may count the respective area contributed toward that common planting strip toward the interior planting area requirements for the lot.
• Berms are not permitted in any landscape strips.

Interior Planting Requirements
• Parking areas shall be landscaped in accordance with the interior planting requirements of Title 17.24.160.
• Parking areas with less than twelve thousand square feet in total area shall be exempt from the interior and side lot line planting requirements.

Landscape Materials
• Perimeter landscape strips along public streets, open space and side lot lines.
  □ Trees shall be installed at a rate of one tree for every thirty feet of frontage. Spacing may be adjusted with the approval of the Urban Forester based upon tree species, the presence of utilities, and the dimensions of the planting strip.
  □ Evergreen shrubs and trees shall be installed at appropriate spacing to fully screen vehicles to a minimum height of two and one-half feet.
    □ Plantings within fifteen feet of driveways or street intersections shall be maintained to a maximum height of two and one-half feet.
    □ Plantings shall not obstruct views onto site as to impede the security of users.
• Tree and shrub species shall be chosen from the Urban Forestry Recommended and Prohibited Tree and Shrub List or an alternative species deemed appropriate by the Urban Forester.
• At planting, trees shall be a minimum of six feet in height and two caliper inches.
• All landscaping shall be in a functioning bioswale, or irrigated using drip irrigation or sub-surface irrigation. If drought-tolerant species are used, no irrigation is required.
• At planting, all landscaping shall meet the standards for size, form and quality set out in the American Standard for Nursery Stock (ANSI Z60.1, latest edition).
• All nursery stock shall be vigorous, healthy and free of diseases or infestation.
Section IV: General Standards

Mechanical, Service, and Loading

Applicability
The following elements shall be shielded from view from adjacent public streets, pedestrian corridors, and open spaces.

- Refuse collection, dumpsters, recycling bins, and refuse handling areas that accommodate a dumpster or five or more trash or recycling cans.
- Building or ground-mounted mechanical equipment, including, but not limited to, transformers, backflow preventors, telephone risers, equipment cabinets, generators, or similar devices.
- Mechanical equipment on roofs.
- Air conditioning or similar HVAC equipment.
- Loading docks, berths, or similar spaces including, but not limited, to service entrances and maintenance areas.
- Outdoor storage of materials, equipment, and vehicles.

Location and Access
- Applicable site elements shall be located along the alley, along an interior property line, or internal to the property.
- Service elements, such as loading docks and trash collection locations, should not be accessible from Primary streets, unless a Primary street is the only frontage.

Screening Standards
- Applicable site elements shall be fully screened at all times, including immediately following planting if vegetative materials are to be used.
- Refuse collection and refuse handling areas shall be screened by a walled enclosure with gates in accordance with the Fence and Wall Standards of the DTC.

Screening Methods
- Vegetative Materials:
  - Vegetative materials shall be planted in two rows in staggered fashion.
  - All trees shall be evergreen with a minimum height at time of planting of at least six feet above the root ball.
  - All shrubs shall be evergreen with the minimum height and spacing necessary to fully screen the item intended for screening (but no less than thirty inches in height) at the time of planting.
  - Vegetative material shall be located immediately adjacent to the element being screened in a planting area a minimum of four feet wide.

- Fencing and Walls
  - Screening is permitted through the use of a fence or wall constructed in accordance with the Fences and Walls Standards of the DTC.

- Parapet Walls
  - Parapet walls or other techniques included as an integral part of the building design shall be used to totally screen any rooftop mechanical equipment from view from adjacent public rights-of-way or open space.

- Integrated Building Elements or Features
  - Building design or other structural features (e.g., knee walls, alcoves, wing walls, roof extensions, etc.) may also be used to fully or partially enclose site features required to be screened.

- Alternative Screening Methods
  - Alternative screening methods or materials that are not listed may be used following approval by the Planning Commission or its designee, provided that they are determined to be comparable to screening methods described in this subsection.

** In order to properly locate and screen mechanical equipment, approval may be required from applicable Metro departments and agencies.
Section IV: General Standards

Fences and Walls

Location
• Permitted Locations: Fences and walls constructed in accordance with the standards in this section may be constructed within:
  ◦ The Build-to Zone.
  ◦ A utility easement only through the express written consent from the utility or entity holding the easement.
  ◦ A required landscape area, Tree Protection Zone, or open space.
• Prohibited Locations: No fence or wall shall be installed that:
  ◦ Encroaches into a right-of-way (without approval through the Mandatory Referral process).
  ◦ Blocks or diverts a natural drainage flow on to or off of any other land.
  ◦ Compromises safety by blocking vision at street intersections or obstructs the visibility of vehicles entering or leaving driveways or alleys.
  ◦ Blocks access to any above ground or pad-mounted electrical transformer, equipment vault, fire hydrant or similar device.

Appearance
• All fences shall be installed so that the finished side shall face outward; all bracing shall be on the inside of the fence.
• Fences and walls shall be constructed of any combination of brick, stone, masonry materials, treated wood posts and planks, rot-resistant wood, or metal. Chain link fencing shall be coated with dark green or black vinyl when visible from a public street or open space (excluding alleys).
• Chain-link fences are prohibited within the Build-to Zone.
• Razor wire is prohibited within the Build-to Zone.
• Fences and walls used to screen refuse areas shall be opaque and include gates that prohibit unauthorized users to access the area.

Standards by function and location
• Fences and walls within the Build-to Zone shall not exceed four feet in height.
  ◦ Modifications may be made in order to properly secure playgrounds and parks.
  ◦ The height of fences and walls along a sidewalk shall be measure from sidewalk grade.
• Fences and walls within the Build-to Zone that are greater than three feet high shall be a minimum of thirty percent transparent to allow visibility into the property.
• Fences and walls used to screen parking shall be a minimum of two and one-half feet above the grade of the parking lot.
  ◦ When a fence or wall is combined with plantings the majority of the plantings shall be between the right-of-way and the fence or wall.
• Fences and walls used to screen mechanical, loading and refuse elements shall be a minimum of two feet taller than the element being screened.
• All other fences and walls shall have a maximum height of ten feet measured from grade.
• Fences surrounding athletic fields and courts may exceed the previous height limitations.
Section IV: General Standards

Open Space

The Downtown Community Plan: 2007 Update envisions accessible, enjoyable open spaces to help create vital and functioning neighborhoods within Downtown. To meet this goal, the DTC encourages many types of open spaces to serve the needs of both citizens and visitors for passive and active recreation. Public art, other amenities, and interactive features are encouraged in open spaces. Buildings conducive with the use of the Open Space and for public use may be approved by the Planning Commission and Parks Department.

It is a goal of the DTC to have open space within each ¼ mile radius neighborhood in Downtown. All public and private open spaces, greater than one-half acre have been mapped in order to determine the areas within the DTC that are in need of neighborhood open space. The one-quarter mile radius buffer area around existing open spaces is indicated in green on the Open Space Map. The areas that lack open space within –one-quarter mile radius (deficiency areas) are shown in yellow. Public open space developed in any portion of a deficiency area will count toward fulfilling the open space need of that area. The development of the needed open space may be done by public or private entities.

The open space types and standards listed in the DTC shall be utilized by property owners in the development of public open space. The following standards shall apply to open space that is accessible to the public, including open space developed for credit under the Bonus Height Program. Private open space or amenity areas shall not be counted toward fulfilling the open space need and shall not be eligible for the Bonus Height Program.

Open Space developed within the deficiency areas are eligible for greater bonuses through the Bonus Height Program then those developed in non-deficiency areas. See the Bonus Height Program section for more details.

The Open Space Plan also includes the existing and planned urban greenways.

Parks and greenways are publicly owned open space and shall follow the standards set out by the Parks Department.
Section IV: General Standards

Open Space Plan

Legend
- Existing Open Space
- Area within 1/4 mile of existing Open Space
- Area with an Open Space Deficiency
- Existing Urban Greenway
- Future Urban Greenway
- DTC Boundary
Section IV: General Standards

Open Space: General Standards

Standards of Title 17 not varied by the following Open Space Standards shall apply within the DTC.

Calculation
• When calculating the open space square footage or acreage, the footprint of any building, whether public or private, shall be subtracted first. The remaining square footage shall be used for all calculations and percentages.

Access
• Every open space shall have a minimum of one primary pedestrian entrance along each street frontage and pedestrian frontage.
• All publicly accessible open space shall meet the appropriate standards of the American's with Disabilities Act.

Building frontage
• Buildings that are part of the same development as the open space and abut the open space shall have a minimum of one pedestrian entrance on the open space.

Seating
• Permitted types of seating include but are not limited to, moveable, fixed individual seats, fixed benches, seat walls, planter ledges and seating steps.

Paving Materials
• Asphalt may be approved by the Planning Commission or its designee for recreational jogging or bicycle paths only.

Landscaping
• Ground level green space shall consist of turf grass, shrubbery, perennial and annual beds, mulched areas and generally areas with “natural” material planted within six inches of grade.
  ◦ Ground level green space does not include container plantings.
• Pervious surfaces include green space, porous concrete and modular pavers, areas with tree grates or areas that otherwise allow water to infiltrate into the soil.
• Trees shall be accommodated in planting areas with a minimum of 600 cubic feet of soil. When using structural soil, the planting area may be reduced to 300 cubic feet. The minimum opening at grade shall be 25 square feet.
• Planting areas shall not impede ingress/egress from buildings or pedestrian traffic.
• Tree Grates
  ◦ When used, tree grates shall be modular and allow for removal as tree grows.
  ◦ Tree grates shall be flush with grade to allow for unobstructed movement of pedestrian traffic.
• Tree and shrub species shall be chosen from the Urban Forestry Recommended and Prohibited Tree and Shrub List based on tree size and planting area provided or an alternative species deemed appropriate by the Urban Forester.
Section IV: General Standards

Open Space: Specific to Greens

Greens are larger, less formal Open Space consisting of a majority green space with laws, paths, and vegetation.

- A minimum of two sides shall be street frontages.
- Size ½ acres - 6 acres
- Greens shall maintain a minimum of 60 percent ground level green space and 70 percent pervious surface.
- Seating
  - A minimum of one linear foot of seating shall be required for each 900 square feet of gross open space.
  - Of the required seating, one linear foot for each 20 feet of street frontage shall be located within 15 feet of the property line.
Section IV: General Standards

Open Space: Specific to Squares

Squares are Open Space used for unstructured recreational or civic uses. Landscaping consisting of lawns and trees is formally composed.

- A minimum of two sides shall be street frontages.
- Size: ½ acre – 5 acres
- Squares shall be required to maintain a minimum of 30 percent ground level green space and 50 percent pervious surface.
- Seating
  - A minimum of one linear foot of seating shall be required for each 700 square feet of gross open space.
  - Of the required seating, one linear foot for each 20 feet of street frontage shall be located within 15 feet of the property line.
Open Space: Specific to Plazas

A Plaza is an Open Space used for unstructured civic and/or commercial purposes. A plaza is spatially defined by building frontages.

- Size: 2500 square feet – 20,000 square feet
- Plazas are required to maintain a minimum of 10 percent ground level green space and 40 percent pervious surface.
- Seating
  - A minimum of 40 linear feet of seating shall be required for Plazas, plus a minimum of one linear foot of seating for every 500 square feet of gross open space.
  - Of the required seating one linear foot for each 20 feet of street frontage shall be located within 15 feet of the property line.
Section IV: General Standards

Open Space: Specific to Courts

A Court is Open Space accessible from the street and used for entry into a building. A Court is spatially defined by building frontages and is generally tucked back into the building.

- Size: 400 square feet – 2,500 square feet
- Seating
  - A minimum of 10 linear feet of seating shall be required for Courts, plus one linear foot of seating for each 300 square feet of open space minimum.
- Accessibility
  - Courts are permitted to be closed to the public by use of a gate. See the Fence and Wall Standards for details.
Section IV: General Standards

Open Space: Specific to Pocket Parks and Playgrounds

Pocket Parks and Playgrounds are Open Space that are accessible from the street and used for structured recreation, gardening or other community use.

- Size: 800 square feet – 1 acre
- Pocket Parks shall provide a community benefit such as a garden or playground.
- Pocket Parks are required to maintain a minimum of 20 percent ground level green space.
  - Additional ground area may be impervious provided space is structured for active recreation.
- Seating:
  - A minimum of one linear foot of seating shall be required for every 300 square feet of gross open space.
- Trees
  - The tree requirement may be waived for pocket parks that are designed for structured active recreation, such as basketball or tennis courts.
- Accessibility
  - Pocket Parks may be fenced for safety but shall remain open to the public during daylight hours.
Section IV: General Standards

Bonus Height Program

The Bonus Height Program (BHP) allows additional building height in Downtown in exchange for contribution to specified programs that provide benefits to the public. The Bonus Height shall be permitted if the proposed development contributes to specific public benefits in the amount and manner set forth herein.

Bonus Height shall be permitted in exchange for the following public benefit contributions: Leadership in Energy and Environmental Design (LEED) certification of individual buildings, LEED for Neighborhood Development, pervious surface, publicly-accessible Open Space, Workforce Housing, Civil Support Space, upper level garage liners, and underground parking.

Density bonuses for the preservation of historic buildings are given through the Transfer of Development Rights Program as outlined in Section 17.12.120 of the zoning code.

Bonus Height Standards
• Upon providing a binding commitment for the specified public benefit, the proposed development project shall be allowed to build within the restrictions of the Subdistrict, up to the Bonus Height Maximum as established within this section.
• Multiple height bonuses may be compounded insofar as the total additional height does not exceed the Bonus Height Maximum for the Subdistrict.
• Additional development rights achieved through the BHP may be transferred to another site within the DTC, provided the transferred height does not exceed the Bonus Height Maximum of the receiving site. By-right height may not be transferred; only bonus height received through the BHP may be transferred.
• Bonus height transfers shall be based on the square footage of the sending site, not the receiving site.
• No building permit shall be issued for bonus height until the Planning Commission has certified compliance with the provisions of this section, upon referral and assurance of compliance from applicable departments.
Section IV: General Standards

Bonus Height Program

LEED and LEED ND
The U.S. Green Building Council (USGBC) is a non-profit organization that oversees the Leadership in Energy and Environmental Design (LEED) Green Building Rating System.

LEED for Neighborhood Development integrates the principles of smart growth, urbanism and green building into the first national system for neighborhood design. LEED ND goes beyond the building to address sustainability on a neighborhood-wide basis.

The bonuses are specific to each Subdistrict. See the BHP Chart for details.

A different nationally-recognized, third-party system of overseeing green building and/or sustainable development practices may be substituted for LEED. Bonuses will be determined by the Planning Commission based on ratings equivalent to LEED silver, gold, and platinum.

Bonuses for individual buildings are given upon pre-certification of LEED silver, gold and platinum. Bonuses for neighborhoods are given upon pre-certification of LEED ND. Every property within the LEED ND neighborhood may utilize the bonus height. The bonuses are specific to each Subdistrict. See the BHP Chart for details.

The following shall apply to all new construction that utilizes the Bonus Height Program for LEED:

- Prior to issuance of a temporary certificate of occupancy for any use of the development, a report shall be provided for the review of the Department of Codes Administration and the Planning Commission by a LEED accredited professional. The report shall certify that all construction practices and building materials used in the construction are in compliance with the LEED certified plans and shall report on the likelihood of certification. If certification appears likely, temporary certificates of occupancy (as set forth below) may be issued. Monthly reports shall be provided as to the status of certification and the steps being taken to achieve certification. Once certification is achieved, the initial certificate of LEED compliance, as set forth herein, and a final certificate of occupancy (assuming all other applicable conditions are satisfied) shall be issued.
  - To ensure that LEED certification is attained the Department of Codes Administration is authorized to issue a temporary certificate of occupancy once the building is otherwise completed for occupancy and prior to attainment of LEED certification. A temporary certificate of occupancy shall be for a period not to exceed three (3) months (with a maximum of two extensions) to allow necessary time to achieve final certification. Fees for the temporary certificate (and a maximum of two extensions) shall be $100 or as may otherwise be set by the Metro Council. Once two extensions of the temporary certificate of occupancy are granted, any additional extensions shall be granted only in conjunction with a valid certificate of LEED noncompliance as set forth herein.
  - If the property fails to achieve LEED certification, the Department of Codes Administration is authorized to issue a short-term certificate of LEED noncompliance. This certificate will allow the building to retain its certificate of occupancy pending attainment of LEED certification. A certificate of LEED noncompliance shall be for a period not to exceed three (3) months and may be renewed as necessary to achieve certification. The fee for noncompliance shall be issued every time the certificate is issued for up to ten years.
  - The fee for a certificate of LEED noncompliance shall be based on the following formula: 
    $$ F = \left( \frac{CN-CE}{CN} \right) \times CV \times 0.0075, $$
    where:
    - $F$ is the fee;
    - $CN$ is the minimum number of credits to earn the level of LEED certification for which the project was pre-certified;
    - $CE$ is the number of credits earned as documented by the report; and
    - $CV$ is the Construction Value as set forth on the building permit for the structure.
Section IV: General Standards

Bonus Height Program

Pervious Surface
The integration of pervious surfaces into site design and building design benefits the individual development, the neighborhood and the city. Pervious surfaces can reduce stormwater runoff, flood risk, irrigation needs and the burden on infrastructure. Examples of pervious surfaces include impervious pavement, green roofs, bio-swales, landscaping, and green screens. As technology in this field advances, additional pervious surfaces may meet the intent of this standard.

- The number of square feet of Bonus Height shall be twice that of the number of square feet of Pervious Surface. The additional square footage may be used to the Bonus Height Maximum as determined on the BHP Chart.
- Green roofs that are utilized to meet LEED certification may not be “double counted” for both the LEED height bonus and the Pervious Surface height bonus. If the level of LEED certification would be met without the green roof, then the green roof may be counted for the Pervious Surface height bonus.

Publicly-Accessible Open Space
Accessible, enjoyable open spaces are essential for vital and functioning neighborhoods. Open space provides the community with opportunities to be in an outdoor setting, while encouraging social interaction. See the BHP Chart for details for a list of Subdistricts in which the Open Space bonus may be utilized.

Open Space must be designed to the open space standards of the DTC. To be eligible for the Height Bonus, open space must be a minimum of ¼ acre in area.

- Plazas are not eligible for the BHP.
- In Open Space deficiency areas (See the Open Space section of the General Standards), the number of square feet of Bonus Height shall be seven times that of the number of square feet in open space. Outside of Open Space deficiency areas, the number of square feet of Bonus Height shall be four times that of the number of square feet in open space. The additional square footage may be used to the Bonus Height Maximum as determined on the BHP Chart.
- Bonuses are available only for publicly accessible (whether publicly or privately owned) open space.
Section IV: General Standards

Bonus Height Program

Workforce Housing
Housing encompassing a range of sizes, costs and tenure (both rental and owner-occupied), to accommodate the diverse range of employees and their families, is key to Downtown’s continued economic health and to sustainable development patterns for Nashville/Davidson County.

Metro Government shall require the developer to execute an agreement, restrictive covenant, or other binding restriction on land use that preserves affordability and establishes the manner in which the affordability will be monitored for the required period before final site plan review.

As listed below, the specified percentage of total units shall be reserved for ownership or rental by households with incomes below the specified percentage of the current Average Median Income (AMI) in Davidson County, as determined by MDHA.

Height bonuses are based on a percentage of the Maximum Height allowed on the property as dictated by the Subdistrict. In all cases, fifty percent (50%) of the additional stories shall be dedicated to Workforce Housing with twenty-five percent (25%) of the height bonus provided as housing for persons below one hundred percent (100%) of AMI and twenty-five percent (25%) of the height bonus provided as housing for persons below one hundred-twenty percent (120%) of AMI.

Workforce Housing Height Bonuses are:
- Level 1 - 10% increase in stories
- Level 2 - 20% increase in stories
- Level 3 - 30% increase in stories
- Level 4 - 40% increase in stories

Not all Levels are available in every Subdistrict. See the BHP Chart for details.

When percentage calculations result in a fraction of a story, the number of stories shall be rounded up.

The following shall apply to all construction that utilizes the BHP for Workforce Housing:
- Owner-occupied units shall remain affordable or 30 years.
- Renter-occupied units shall remain affordable for 30 years.
- Units that are converted from renter-occupied to owner-occupied shall remain affordable (as determined above) for 30 years beyond conversion.
- The size of all Workforce Housing units shall be at least 80% of the average size of market rate units.
Section IV: General Standards

Bonus Height Program

Civil Support Space
The dedication of Civil Support Space offers height bonus for the developer's contribution of space to a specific use or entity that serves to better the neighborhood or community. See the BHP Chart for details for a list of Subdistricts in which the Civil Support Space bonus may be utilized.

- Civil Support Space is typically on the ground level. Upper levels may be appropriate depending on the intended use.
- The number of square feet of Bonus Height shall be twice that of the number of square feet donated to Civil Support Space. The additional square footage may be used to the Bonus Height Maximum as determined on the BHP Chart.
- Civil Support Space shall be dedicated to the chosen use or uses for 15 years. Adherence to this standard shall be checked yearly by the Planning Commission or its designee.

The Planning Commission may require the developer to execute an agreement, restrictive covenant, or other binding restriction on land use that preserves the use of Civil Support Space for the required period before final site plan review.

The following uses are appropriate for Civil Support Spaces:

- Institutional Uses
  - Cultural center
  - Day care center
  - School day care
- Education
  - Community education
- Transportation Uses
  - Water taxi station
- Waste Management Uses
  - Recycling collection center
- Recreational and Entertainment Uses
  - Community playground
- Other Uses
  - Community garden

Other uses may be appropriate for Civil Support Space. The applicant may propose a different use for Civil Support Space to be approved by the Planning Commission.

Upper Level Garage Liner and Underground Parking
The public realm of the streetscape is improved by providing parking in underground structures and lining above ground parking structures with habitable space. See the BHP Chart for a list of Subdistricts in which the Garage Liner and Underground Parking bonuses may be utilized.

- Height bonuses are given for upper levels of habitable space, a minimum of 15’ in depth, which masks a parking structure from view along public streets and open space. The minimum depth may be reduced by the Planning Commission provided the intent of an active streetscape is met.
- The number of square feet of Bonus Height shall be twice that of the number of square feet in Garage Liners. The additional square footage may be used to the Bonus Height Maximum as determined on the BHP Chart.
- The number of square feet of Bonus Height shall be equal to the number of square feet in Underground Parking. The additional square footage may be used to the Bonus Height Maximum as determined on the BHP Chart.
- Height bonuses are not given for ground level liners, or upper level liners that are required by the DTC.

Public Parking
Parking accessible to the general public is important to the continued growth and vitality of Downtown. See the BHP Chart for a list of Subdistricts in which the Public Parking bonuses may be utilized.

- The number of square feet of Bonus Height shall be twice that of the number of square feet in Public Parking. The additional square footage may be used to the Bonus Height Maximum as determined on the BHP Chart.
- Public Parking shall be clearly marked as public, and shall be accessible to the public, at all hours that the garage is open, for the lifetime of the building.

Other uses may be appropriate for Civil Support Space. The applicant may propose a different use for Civil Support Space to be approved by the Planning Commission.
## Section IV: General Standards

### Bonus Height Chart

| Location                        | MAXIMUM | LEED | LEED NO | Pedestrian | Open Space | NOISE/ CIVIL SUPPORT | CIVIL WORK | URBAN LEVEL | PUBLIC PARKING | Minimum Height | Maximum Height |
|---------------------------------|---------|------|---------|------------|------------|----------------------|------------|--------------|----------------|----------------|----------------|----------------|
| Central                          | any     | 2    | 2       | 2          | 2          | 2 levels below 260’   | 2 stories   | 2 stories    | 2 stories      | 2 stories       | 2 stories       |
| James Robertson                 | elevation of 560’ | any = 2 stories | 2     | 2          | 2          | 2 levels below 260’   | 2 stories   | 2 stories    | 2 stories      | 2 stories       | 2 stories       |
| Lower Broadway                  | 6 stories | 2    | 2       | 2          | 2          | 2 levels below 560’   | 2 stories   | 2 stories    | 2 stories      | 2 stories       | 2 stories       |
| Upper Broadway                  | 10 stories | 2    | 2       | 2          | 2          | 2 levels below 560’   | 2 stories   | 2 stories    | 2 stories      | 2 stories       | 2 stories       |
| General                         | 2 stories | 2    | 2       | 2          | 2          | 2 levels below 260’   | 2 stories   | 2 stories    | 2 stories      | 2 stories       | 2 stories       |
| Historic                         | 2 stories | 2    | 2       | 2          | 2          | 2 levels below 260’   | 2 stories   | 2 stories    | 2 stories      | 2 stories       | 2 stories       |
| Upper Broadway                  | 10 stories | 2    | 2       | 2          | 2          | 2 levels below 560’   | 2 stories   | 2 stories    | 2 stories      | 2 stories       | 2 stories       |
| First and Second Broadway       | 5 stories | 2    | 2       | 2          | 2          | 2 levels below 260’   | 2 stories   | 2 stories    | 2 stories      | 2 stories       | 2 stories       |
| General                         | 8 stories | 2    | 2       | 2          | 2          | 2 levels below 260’   | 2 stories   | 2 stories    | 2 stories      | 2 stories       | 2 stories       |
| Historical                      | 2 stories | 2    | 2       | 2          | 2          | 2 levels below 260’   | 2 stories   | 2 stories    | 2 stories      | 2 stories       | 2 stories       |
| Upper Broadway                  | 10 stories | 2    | 2       | 2          | 2          | 2 levels below 560’   | 2 stories   | 2 stories    | 2 stories      | 2 stories       | 2 stories       |
| General                         | 2 stories | 2    | 2       | 2          | 2          | 2 levels below 260’   | 2 stories   | 2 stories    | 2 stories      | 2 stories       | 2 stories       |
| Historical                      | 2 stories | 2    | 2       | 2          | 2          | 2 levels below 260’   | 2 stories   | 2 stories    | 2 stories      | 2 stories       | 2 stories       |
| Upper Broadway                  | 10 stories | 2    | 2       | 2          | 2          | 2 levels below 560’   | 2 stories   | 2 stories    | 2 stories      | 2 stories       | 2 stories       |
| Central                         | any     | 2    | 2       | 2          | 2          | 2 levels below 260’   | 2 stories   | 2 stories    | 2 stories      | 2 stories       | 2 stories       |
| James Robertson                 | elevation of 560’ | any = 2 stories | 2     | 2          | 2          | 2 levels below 260’   | 2 stories   | 2 stories    | 2 stories      | 2 stories       | 2 stories       |
| Lower Broadway                  | 6 stories | 2    | 2       | 2          | 2          | 2 levels below 560’   | 2 stories   | 2 stories    | 2 stories      | 2 stories       | 2 stories       |
| Upper Broadway                  | 10 stories | 2    | 2       | 2          | 2          | 2 levels below 560’   | 2 stories   | 2 stories    | 2 stories      | 2 stories       | 2 stories       |
| General                         | 2 stories | 2    | 2       | 2          | 2          | 2 levels below 260’   | 2 stories   | 2 stories    | 2 stories      | 2 stories       | 2 stories       |
| Historical                      | 2 stories | 2    | 2       | 2          | 2          | 2 levels below 260’   | 2 stories   | 2 stories    | 2 stories      | 2 stories       | 2 stories       |
| Upper Broadway                  | 10 stories | 2    | 2       | 2          | 2          | 2 levels below 560’   | 2 stories   | 2 stories    | 2 stories      | 2 stories       | 2 stories       |
| General                         | 2 stories | 2    | 2       | 2          | 2          | 2 levels below 260’   | 2 stories   | 2 stories    | 2 stories      | 2 stories       | 2 stories       |
| Historical                      | 2 stories | 2    | 2       | 2          | 2          | 2 levels below 260’   | 2 stories   | 2 stories    | 2 stories      | 2 stories       | 2 stories       |
| Upper Broadway                  | 10 stories | 2    | 2       | 2          | 2          | 2 levels below 560’   | 2 stories   | 2 stories    | 2 stories      | 2 stories       | 2 stories       |
| Central                         | any     | 2    | 2       | 2          | 2          | 2 levels below 260’   | 2 stories   | 2 stories    | 2 stories      | 2 stories       | 2 stories       |