

MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE (UDC) SUMMARY

ARTICLE 1: GENERAL PROVISIONS

Sets forth the legal foundations of this document, its effective date and its enabling authority from State Law. Also included are the purpose and intent statements; identification of plans to be considered; transitional provisions outlining how prior approved developments will be treated; and the district conversion chart.

1.2 Applicability – Identifies who must comply with the requirements of this development code and includes private development, and public development including all divisions and authorities of the City of Memphis and Shelby County Governments and both school systems.

1.4 Purpose and Authority – Establishes the legal authority for the UDC and defines the purpose of the entire development code.

1.5 Intent – Lists the numerous objectives that the UDC is attempting to accomplish.

1.9 Plans To Be Considered – Provides a list of all recently prepared plans that should be considered in making entitlement decisions.

1.13 Transitional Provisions – Outlines how the UDC will apply to new and existing development and how previously approved planned commercial (C-P), and planned development (PD) permits are to be treated. Also, contains the District Conversion Chart which serves to convert and consolidate former zoning districts into new districts resulting in some new terminology.

ARTICLE 2: DISTRICTS AND USES

Discusses the purpose and intent of each of the various zoning districts; identifies permitted uses, special uses and prohibited uses in a revised use table. The article also sets out “use standards” for various uses and establishes the requirements for temporary and accessory uses and structures.

2.2 District Intent Statements – Briefly describes each district and provides its intended purpose and suggested locations of where it should be mapped.

2.5 Permitted Use Table – Divides uses into use categories and permitted principle uses and identifies whether they are permitted “by-right”, require a special use permit, or are prohibited in the various zoning districts. The Permitted Use Table also provides cross-references to the use category and the applicable use standards.

2.6 Use Standards – Use standards apply to certain uses in certain districts and are intended to reduce or eliminate any real or potential nuisance qualities that may accompany uses. The use standards apply to the proposed use regardless of whether it is permitted “by-right” or requires a special use permit.

2.7 Accessory Structures and Uses – Regulates structures and uses that are incidental or subordinate to the principal use on the lot. This includes regulations for accessory dwelling units, home occupation, and accessory uses at places of worship.

2.8 Temporary Uses – Places modest regulations on how uses such as garage sales, outdoor sales or storage, construction dumpsters, fairs or carnivals and other temporary uses are conducted.

2.9 Use Categories – Group similar uses together for regulatory purposes

ARTICLE 3: Building Envelope Standards

Generally known as the bulk regulations, this article prescribes the various measurements related to the density, intensity, lot size, setback, and height of structures by zoning districts. This article also establishes new subdivision types and contains several Form-Based tools which focus on the creation of a quality public realm.

3.1 General Provisions – Establishes when new construction or modification of existing buildings or parking lots might trigger the requirements of this Article.

3.2 Measurements and Exceptions – Establishes how metrics within the UDC such as blank wall area, clear sight triangles, building height, required transparency, lot size, setback areas, and encroachments are to be measured.

3.3 Blocks and Lots – Places limits on the length of cul-de-sacs, block faces, and block perimeters in an effort to increase connectivity and pedestrian friendliness.

3.4 Housing Types – Identifies a variety of housing types and provides character examples of each.

3.5 Open and Overlay Districts – Provides the bulk regulations for buildings in the open space and overlay districts.

3.6 Residential Single-Family Districts – Sets forth the bulk regulations for the permitted housing types in the residential single-family districts. These standards address single-family detached houses on individual lots. This chapter also establishes the bulk regulations for permitted non-residential uses in the residential single-family districts.

3.7 Residential Urban Districts – Sets forth the bulk regulations for the permitted housing types in the residential urban districts. These standards are intended to provide for a variety of housing opportunities at intensities compatible with surrounding land uses. This chapter also establishes the bulk regulations for permitted non-residential uses in the residential urban districts.

3.8 Residential Subdivisions – Creates three types of subdivisions Standard, Open Space, and Sustainable. Each subdivision type has distinct characteristics and permits its own diverse array of housing types. The Standard subdivision is the typical subdivision permitted under the existing ordinance. The Open Space subdivision trades smaller lot sizes and a more diverse array of permitted housing types for a large amount of useable common open space. The Sustainable subdivision trades even smaller lot sizes, an even more diverse array of housing types, and some additional neighborhood serving uses in exchange for a subdivision that is appropriately located near jobs and schools, provides a tight street network, uses a diverse and compact development, and implements green building principles.

3.9 Residential Compatibility – Regulates garage and carport placement as well as contextual infill standards for projects in residential developments established before 1950.

3.10 Mixed Use and Industrial Districts – Sets forth the building regulations for the mixed use and industrial districts. This chapter includes regulations for permitted housing types permitted in these districts. This chapter also provides for 6 form-based frontage options which further regulate how buildings address the streets. These form-based standards do not apply to any property until mapped by official action on the zoning map.

3.11 Additions and New Buildings on Nonconforming Sites – Prescribes how additions, expansions, and new buildings on nonconforming sites must be arranged and sited.

ARTICLE 4: General Development Standards

The article regulates performance and development standards other than building envelope standards including the repair and maintenance of sidewalks and street-trees, streetscape requirements, typical street cross-sections, site access management, parking lot configuration, landscaping and screening, outdoor lighting, outdoor storage and display, and signs.

4.2 Sidewalk and Street Tree Repair – Currently it is the responsibility of the property owner to maintain sidewalks. This chapter provides a regulatory trigger to require repair or replacement of existing sidewalks and street trees on a pro-rata basis at the time a new or amended use and occupancy permit is requested. This applies to non-single family residential properties only.

4.3 Streetscape Standards – Streetscape standards ensure the coherence of the street-space and assist building owners and operators with an understanding of the relationship between the street-space and their own lots. This chapter defines the development parameters for the areas between buildings and the street.

4.4 Street Standards – Unlike streetscape standards, this chapter regulates the development of the area between the curbs of the street. This chapter establishes standards for residential and non-residential alleys. The primary purpose of this chapter is to balance the needs of all types of traffic—auto, bicycle, and pedestrian.

4.5 Access Management – Sets forth regulations for how traffic enters and exits various developments from the adjacent roadways.

4.6 Parking and Loading – Establishes parking ratios and parking lot design and maintenance standards in an effort to better organize parking lots.

4.7 Landscaping and Screening – Provides for a landscape buffers between uses and districts of varying intensities.

4.8 Outdoor Site Lighting – Regulates parking lot and site lighting and provides performance standards for each.

4.9 Outdoor Storage and Display – Places limits on the outside storage, display and sales of merchandise in the mixed use and non-residential districts.

4.10 Signs – This chapter will regulate signs and the current text is just a place holder. The Sign ordinance has already been approved by the Land Use Control Board and adopted by the Memphis City Council. It will be codified to replace this text.

ARTICLE 5: Infrastructure and Public Improvements

The article discusses issues typically found in the Subdivision Regulations. This article addresses the purpose for and method behind dividing larger tracts into smaller individual lots of record suitable for the issuance of a building permit with emphasis on the provision of public infrastructure including streets and alley ways, utilities, the reservation of public land, and public improvements.

5.2 Streets and Alleys – Regulates the dedication and improvements of public streets and alleys. Also sets forth some requirements for sidewalks and bikeways.

5.3 Utilities – Sets forth requirements for connection to public sanitary sewer, water and other utilities.

5.4 Reservation of Public Land – Requires the temporary reservation of land for public purposes if the land is identified in one of the plans to be considered.

5.5 Public Improvement – Establishes the process for required public improvements.

ARTICLE 6: Open Space and Natural Resource Protection

This Article addresses the development of an individual site with emphasis on protecting and preserving environmental features that add to the site's natural beauty including regulations regarding tree removal, common and formal open space, steep slope protection, stream buffers, resource extraction, floodway protection, and stormwater management.

6.1 Tree Removal – Regulates amount by which the exterior and interior of a site may be cleared in preparation of development.

6.2 Open Space – Establishes priorities for required common open space and sets forth standards for required formal open space.

6.3 Steep Slope Protection – Limits development on steep slopes with a grade more than 25%.

6.4 Stream Buffer – Requires stream buffers per Tennessee Department of Environment and Conservation (TDEC) standards or 60 feet which ever is larger.

6.5 Resource Extraction – Sets forth standards for special use permits required for any resource extraction activities.

ARTICLE 7: Special Purpose Districts

This Article identifies the Special Purpose Districts that are recognized with the City of Memphis and carries them forward from the existing Zoning Ordinance. These districts recognize the special character that exists within the boundaries of the district and present special implementation techniques to protect that character while promoting new development within the district boundaries.

ARTICLE 8: Overlay Districts

With two exceptions, this Article brings over the existing overlay districts and incorporates them into the UDC. The two exceptions are the Transitional Office Overlay District (-TO) and the Neighborhood

Conservation Overlay District (-NC). Neither of these two new districts are mapped serving as tools that can be turned on at a later date through the planning process.

8.3 Transitional Office Overlay – Once mapped this overlay will promote an orderly transition of use from residential use to relatively small-scale office use of lots and parcels fronting major roadways, while maintaining a predominantly residential property appearance and building scale.

8.9 Neighborhood Conservation Overlay District – This district allows 15 or more adjacent property owners to trigger an additional layer of regulatory protection. Once mapped this overlay assist in the preservation and protection of the character of an established neighborhood and will reduce conflict between new construction and the existing neighborhood.

ARTICLE 9: Administration

This article establishes the various legislative and administrative steps an applicant must go through in order to develop and build upon land. This articles goal is to stream line the process as much as possible while still providing ample opportunity for review and public input. Many of the existing administrative steps are carried forward but the UDC attempts to add charts and graphics to help the user.

9.2 Summary of Review Authority – Uses charts and tables to outline the review process for each type of permit request.

9.3 Common Review Procedures – Establishes what common elements exist between various types of entitlement requests.

9.4 Text Amendment – Outlines the process required for a text amendment to the UDC.

9.5 Zoning Change – Outlines the process required for a re-zoning.

9.6 Special Use and Planned Development Review – This chapter outlines the process required for approval and amendment of special use permits and planned developments.

9.7 Subdivision Review – Outlines the process required for subdivision approval.

9.12 Administrative Site Plan Review – This chapter is a new requirement in the UDC and requires all development, with the exception of a single family structure on a single-family lot, to go through an administrative site plan approval process. This chapter will allow the planning director to review site design to insure compliance with the codes, ordinances and resolutions related to land development and building construction.

ARTICLE 10: Nonconformities

This article is similar to the existing nonconformities provision in the current regulations with the exception of additional standards and removal provision for signs, that have not been repaired, or where the principal use of the site changes. The article also specifies the enforcement an amortization procedure for nonconforming signs. Finally it provides for the forfeiture and removal of private signs place in the public right of way in violation of these regulations.

ARTICLE 11: Enforcement

This article expands and consolidates the existing enforcement provision of the Zoning and Subdivision Regulations. It defines what the violations are and provides specific penalties for three subsections: Subdivision, Signs, and Tree Removal.

ARTICLE 12: Definitions

This section is standard in zoning and development ordinances, it deletes definitions from previous regulations no longer used, and adds new definitions particular to this ordinance. Further some definitions are more clearly defined to the intent of the regulations in total.

ARTICLE 13: Index

The final article in the UDC is a topical index of select terms and abbreviations.