

**MEMPHIS/SHELBY COUNTY
UNIFIED DEVELOPMENT CODE**

staff working review draft
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How to Use this Code

I WANT TO ESTABLISH A NEW USE IN AN EXISTING BUILDING:

- Find your zoning district on the Zoning Map.
- If your property is in a base district, look at 2.6, Permitted Uses, to determine whether the use is allowed. If the use is listed in 2.6, Permitted Uses with a cross-reference in the right-hand column, see 2.7, Use Standards.
- If your property is in a special purpose district, go to Article 5 to determine whether the use is allowed.
- Uses may be further restricted in Article 6, Overlay Districts.

I WANT TO MODIFY A BUILDING OR DEVELOP A NEW BUILDING:

Base Districts

- Determine whether the use is allowed by looking at 2.6, Permitted Uses. If the use is listed in 2.6, Permitted Uses, with a cross-reference in the right-hand column, see 2.7, Use Standards.
- Go to Article 3, Building Envelope Standards, for your specific district to review the dimensional standards that apply to your property.
- Alternative building envelope standards apply on any designated frontage. To determine whether or not a designated frontage has been assigned to your property consult the Zoning Map (see 2.4 for additional details).
- An alternative height limit may have been established for your property if an official height map has been adopted by the governing bodies. To determine whether or not a height map applies to your property consult the Zoning Map (see 2.4 for additional details).

Special Purpose and Overlay Districts

- The uses and dimensional standards for special purpose districts can be found in Article 5, Special Purpose Districts.
- The uses and dimensional standards for overlay districts can be found in Article 6, Overlay Districts.

All Districts

- All districts are also subject to:
- Article 4, Streetscape and Street Standards
- Article 7, Site Development Standards, which covers access, parking, landscaping, lighting, storage and signs.
- 7.8, Natural Resource Protection, which covers tree protection, open space, steep slope protection, stream buffers, floodways and stormwater management.

I HAVE A USE, BUILDING, SITE OR SIGN THAT IS NONCONFORMING:

Existing uses, buildings, sites and signs that met the rules when they were constructed, but do not comply with this development code are considered nonconforming. See Article 11, Nonconformities, for further details.

I WANT TO CHANGE MY ZONING DISTRICT:

Only the governing bodies may rezone property – following public notice and hearings. See 10.5, Zoning Change, for details on the procedure.

I WANT TO SUBDIVIDE MY PROPERTY:

Property can only be subdivided in accordance with the procedures in 10.7, Subdivision Review.

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Article 1. General Provisions

1.1 SHORT TITLE

This ordinance shall be known as “the development code for the City of Memphis and unincorporated Shelby County,” and may be cited and referred to as “this development code.”

1.2 APPLICABILITY

The provisions of this development code shall apply to the development of all land within the jurisdiction of the City of Memphis and Shelby County, exclusive of incorporated municipalities. No development shall be undertaken without prior authorization pursuant to this development code.

1.3 EFFECTIVE DATE

This development code was adopted on *[insert date here]* and became effective on *[insert date here]*.

1.4 PURPOSE AND AUTHORITY

This development code is enacted pursuant to Title 13 of the Tennessee Code. This development code is designed and enacted for the purpose of promoting the health, safety and welfare of the residents of the City of Memphis and Shelby County by lessening or preventing congestion in the public streets; securing safety from fire and other dangers; furthering the provision of adequate light and pure air; avoiding excessive concentrations of population and wasteful scattering of population; encouraging such distribution of population and such classification of land uses as will tend to facilitate and conserve adequate provisions for transportation, water supply, drainage, sanitation, educational opportunity, and recreation; protecting and promoting both urban and non-urban development; and preserving landmark buildings, objects and sites.

1.5 INTENT

This development code is intended to accomplish the following:

- A. Guide the future growth and development in the City and County.
- B. Implements the planned growth and rural areas of the adopted Shelby County Growth Plan, per Public Chapter 1101.
- C. Protect the character, and the social and economic stability of all parts of the City of Memphis and the unincorporated area within Shelby County and to encourage the orderly and beneficial development thereof.
- D. Prevent overcrowding or overdevelopment of land and undue congestion of population.
- E. Divide the City of Memphis and the unincorporated area within Shelby County into districts of such number, shape and area and of such different classes according to the use of land and building, height and bulk of buildings, intensity of use of lot areas, area of open spaces and other classifications, as may be deemed suited to regulate development.
- F. Classify, regulate and restrict the location of residential, commercial, business, industrial and institutional uses.
- G. Encourage the preservation of the natural beauty, topography and resources, and to encourage appropriate development with regard to these natural features.
- H. Protect and conserve the value of land, the value of buildings and improvements thereon, and to minimize conflicts among uses of land and buildings.
- I. Limit the height, bulk and location of buildings.
- J. Fix standards to which buildings or structures in districts must conform.
- K. Establish lot areas, set back and yard requirements, land use intensity ratios, use limitations and parking and loading and storage requirements applicable to buildings and uses.
- L. Prohibit uses, buildings or structures incompatible with the character of established districts.
- M. Prevent additions to and alteration or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations lawfully imposed by this development code.
- N. Establish procedures necessary to implement and enforce the provisions of this development code.
- O. Provide for variance from the regulations of this development code.
- P. Provide for special permit uses including planned developments and other special approvals.
- Q. Provide for site plan review.

- R. Guide public and private policy, and action to provide adequate and efficient public facilities.
- S. Provide sufficient and effective traffic circulation with particular regard to the avoidance of congestion on streets and highways, the safe accommodation of pedestrian traffic movements, and the proper location and width of streets, and building line location.
- T. Establish reasonable standards and procedures for subdivisions and resubdivisions to further the orderly layout and use of land; and to insure proper legal descriptions and monumenting of subdivided land.
- U. Consider the availability of public facilities and determine if there is sufficient capacity to serve the proposed subdivision.
- V. Minimize the pollution of air and water, to safeguard the water table, to maintain the adequacy of drainage facilities, and to encourage the wise use and management of natural resources.
- W. Minimize grading, land instability and the removal of vegetation in order to:
 - 1. Protect the quality of wetlands and water courses below the slope from increased sedimentation;
 - 2. Protect steep slope plant and animal habitat from disturbance and development; and
 - 3. Preserve the aesthetic quality of the natural terrain.

1.6 MINIMUM REQUIREMENTS

The requirements of this development code shall be considered as the minimum requirements for the promotion of the public health, safety and general welfare. This development code shall not interfere with or abrogate or annul any easements, covenants or other agreements between parties. Where this development code imposes a greater restriction upon property than that imposed by other resolutions, rules, regulations, easements, covenants or agreements, the provisions of this development code shall govern.

1.7 LOT REDUCTION

No lot, even though it may consist of one or more adjacent lots of record in single ownership, shall be reduced in size so that the minimum lot area per dwelling unit, minimum lot width, maximum density or building coverage requirements, and other requirements of this development are not maintained. This prohibition shall not be construed to prevent the purchase or condemnation of narrow strips of land for public utilities or right-of-way purposes.

1.8 ADOPTED PLANS

The following plans have been adopted by the governing bodies and shall be considered in any decisions under this development code in the area affected by the adopted plan.

- A. MPO Long Range Transportation Plan;
- B. Shelby County Greenway Plan;
- C. Other plans?

1.9 ANNEXED LAND

All land which shall, after the effective date of this development code, be annexed to the City of Memphis shall maintain the same zoning classification it had immediately prior to such annexation and shall be subject to the regulations applicable under such zoning district.

1.10 SEVERABILITY

Should any clause or provision of this development code be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance codified in this development code as a whole or any part thereof other than the part declared to be unconstitutional or invalid, each article, section, clause and provision hereof being declared severable.

1.11 TRANSITIONAL PROVISIONS

1.11.1 New Development

- A. Upon the effective date of this development code or any subsequent amendment, any new building or other structure or any tract of land shall be used, constructed or developed only in accordance with all applicable provisions of this development code.
- B. No excavation or filling of land or construction of any public or private improvements shall take place or commence except in conformity with this development code.

1.11.2 Existing Development

Any existing use, lot, building or other structure legally established prior to the effective date of this development code that does not comply with any of its provisions shall be subject to the nonconforming provisions stipulated in Article 11, Nonconformities.

1.11.3 Previously Issued Permits

Any variance or permit authorized before the effective date of this development code may be continued, changed, extended, enlarged or structurally altered only as provided in this development code.

- A. Any permit issued before the effective date of this development code or subsequent amendment shall remain in effect provided that construction is begun within six months from the date of issuance of the permit. Construction shall mean physical improvements such as, but not limited to, water and sewer lines, footings, and/or foundations have been developed on the site. Clearing, grading, the storage of building materials, or the placement of temporary structures shall not constitute beginning construction.
- B. Where no limitation as to duration of the use was imposed at the time of authorization the use may be continued. When the use was granted for a specific period of time, the applicable provisions of this development code shall be applied upon the expiration of that time.
- C. In no event shall such use be changed except to a conforming use or a nonconforming use as provided for in Article 11, Nonconformities. A change of use is a change to another use either under the same use category or any other use. A change in occupancy or ownership shall not by itself constitute a change in use.

1.11.4 District Conversion

The zoning district names in effect prior to the effective date of this development code are converted as shown below.

NEW DISTRICTS		FORMER DISTRICTS
Open Districts		
OS	Parks & Open Space	NEW
FW	Floodway	FW
CA	Conservation Agriculture	AG
CIV	Civic	NEW
Residential Single-Family Districts		
R-MP	Manufactured Home Park	R-MO
R-E	Residential – Estate	R-E
R-15	Residential Single-Family – 15	RS-15
R-10	Residential Single-Family – 10	RS-10
R-8	Residential Single-Family – 8	RS-8
R-6	Residential Single-Family – 6	RS-6, RS-6I
R-3	Residential Single-Family – 3	NEW
Residential Suburban Districts		
RS-1	Residential Suburban – 1	R-TH (outside loop)
RS-2	Residential Suburban – 2	R-ML, R-MM, RM-H (outside loop)
Residential Urban Districts		
RU-1	Residential Urban – 1	R-D (inside loop)
RU-2	Residential Urban – 2	R-TH (inside loop)
RU-3	Residential Urban – 3	R-ML, R-MM (inside loop)
RU-4	Residential Urban – 4	R-MH (inside loop)
Nonresidential Districts		
OG	Office General	O-L, O-G
CMU-1	Commercial Mixed Use – 1	C-L, C-N
CMU-2	Commercial Mixed Use – 2	C-P
CMU-3	Commercial Mixed Use – 3	C-H
CBD	Central Business	CBD
CMP-1	Campus Master Plan – 1	CU, H (outside loop)
CMP-2	Campus Master Plan – 2	CU, H (inside loop)
EMP	Employment	I-L
WD	Warehouse & Distribution	NEW
IH	Heavy Industrial	I-H
Special Purpose Districts		
SCBID	South Central Business Improvement	SCBID
U	Uptown	UPT
Overlay Districts		
-MO	Medical	-MO
-RC	Residential Corridor	NEW
-H	Historic	H-P
-AP	Airport	AHR
-FP	Floodplain	FP
-FC	Fletcher Creek	FCD
-NC	Neighborhood Conservation	H-C
DELETED DISTRICTS		
R-HO	Residential Home Overlay	
Win Park SPD	Winchester Park Special Pilot District	

Article 2. Districts and Uses

2.1 DISTRICTS ESTABLISHED

To carry out the provisions of this development code within the jurisdiction of the City of Memphis and unincorporated Shelby County the following zoning districts have been established and are applied to property as set forth on the Zoning District Map (see 2.4).

Open Districts	
OS	Parks & Open Space
FW	Floodway
CA	Conservation Agriculture
CIV	Civic
Residential Single-Family Districts	
R-MP	Manufactured Home Park
R-E	Residential – Estate
R-15	Residential Single-Family – 15
R-10	Residential Single-Family – 10
R-8	Residential Single-Family – 8
R-6	Residential Single-Family – 6
R-3	Residential Single-Family – 3
Residential Suburban Districts	
RS-1	Residential Suburban – 1
RS-2	Residential Suburban – 2
Residential Urban Districts	
RU-1	Residential Urban – 1
RU-2	Residential Urban – 2
RU-3	Residential Urban – 3
RU-4	Residential Urban – 4
Nonresidential Districts	
OG	Office General
CMU-1	Commercial Mixed Use – 1
CMU-2	Commercial Mixed Use – 2
CMU-3	Commercial Mixed Use – 3
CBD	Central Business
CMP-1	Campus Master Plan – 1
CMP-2	Campus Master Plan – 2
EMP	Employment
WD	Warehouse & Distribution
IH	Heavy Industrial
Special Purpose Districts	
SCBID	South Central Business Improvement
UPT	Uptown
Overlay Districts	
-MO	Medical Overlay
-RC	Residential Corridor
-H	Historic Preservation
-AP	Airport
-FP	Floodplain
-FC	Fletcher Creek
-NC	Neighborhood Conservation

2.2 DISTRICT INTENT STATEMENTS

2.2.1 Open Districts

A. Parks & Open Space (OS)

1. The OS District is intended to create, preserve, and enhance parkland as permanent open space to meet the active and passive recreational needs of City and County residents and to promote recreational uses that are compatible with surrounding land uses.
2. Property in the OS District may be under public or private ownership. All property within the district shall be unoccupied or predominately unoccupied by buildings or other impervious surfaces. Unoccupied or predominately unoccupied by buildings or other impervious surfaces shall mean that not more than five percent of the area of any land shall be occupied by such surfaces.
3. When used for recreation, activities may include, but are not limited to, structures or other active, player-oriented facilities such as playgrounds, ballfields, tennis courts, signage necessary for public safety, and associated accessory facilities such as parking areas and restrooms, subject to the impervious surface limits established in paragraph 2 above (for a full list of permitted uses see 2.6, Permitted Uses).

B. Floodway (FW)

The FW District is intended to allow specified uses that will not create flood hazards and which will not be unduly damaged, if flooded. The uses and regulations allowed shall be consistent with the provisions of federal laws and administrative regulations.

C. Conservation Agriculture (CA)

The CA District is intended to conserve agricultural land and undeveloped natural amenities while preventing the encroachment of incompatible land uses on farm land and other undeveloped areas. The types, area and intensity of land uses in this district are designed to encourage and protect agricultural uses and the conservation of undeveloped areas.

D. Civic (CIV)

The CIV District is intended to provide for civic uses that serve the surrounding neighborhoods or produce intensive civic activities that do not readily assimilate into other zoning districts.

2.2.2 Residential Single-Family Districts

The residential single-family districts are intended to create, maintain and promote a variety of housing opportunities for individual households and to maintain the desired physical character of existing neighborhoods. While the districts primarily accommodate residential uses, nonresidential uses that are compatible with residential neighborhoods are also allowed.

A. Manufactured Home Park (R-MP)

The R-MP District provides for manufactured housing and recognizes the existence of manufactured housing as a housing choice for the City and County residents. This district is further intended to declare that the use of manufactured homes for dwelling purposes shall only be allowed in manufactured home parks or manufactured home subdivisions. This district is provided to allow a suitable living environment in manufactured homes and to ensure the compatibility of such developments with adjoining and nearby present and future development of other types of residential units.

B. Residential-Estate (R-E)

The R-E District is intended to accommodate low density single-family detached houses on individual lots. This district should be applied in areas where the land-use pattern is predominately single-family detached houses on large individual lots or where such a land use pattern is desired in the future.

C. Single-Family Residential (R-15, R-10, R-8, R-6, R-3)

The single-family residential districts are intended to accommodate single-family detached houses on individual lots. These districts should be applied in areas where the land-use pattern is predominately single-family detached houses on individual lots or where such a land use pattern is desired in the future. Five single-family residential districts are established—R-15, R-10, R-8, R-6, and R-3—which are differentiated primarily on the basis of minimum lot area and setback requirements.

2.2.3 Residential Suburban Districts

The residential suburban districts are intended to accommodate new development where the land-use pattern is predominately suburban in character or where such a land use pattern is desired in the future. The RS- districts are intended to provide for a variety of housing opportunities at intensities compatible with surrounding land uses. The districts are intended to encourage residential infill on single lots and small parcels as well as new development on larger tracts. While the districts primarily accommodate residential uses, nonresidential uses that are compatible with residential neighborhoods are also allowed.

A. Residential Suburban – 1 (RS-1)

Residential development in the RS-1 District allows a variety of housing types including single-family detached units (conventional, side yard house and cottage), single-family attached units (semi-attached and two-family), and a limited set of multifamily units (townhouse, large home).

B. Residential Suburban – 2 (RS-2)

Residential development in the RS-2 District allows a variety of housing types including single-family detached units (conventional, side yard house, cottage), single-family attached units (semi-attached, two-family), and multifamily units (townhouse, large home, stacked townhouse, apartment).

2.2.4 Residential Urban Districts

The residential urban districts are intended to accommodate new development where the land-use pattern is predominately urban in character or where such a land use pattern is desired in the future. The RU- districts are intended to provide for a variety of housing opportunities at intensities compatible with surrounding land uses. The districts are intended to encourage residential infill on single lots and small parcels as well as new development on larger tracts in traditional urban patterns that mimic established portions of surrounding neighborhoods. While the districts primarily accommodate residential uses, nonresidential uses that are compatible with residential neighborhoods are also allowed.

A. Residential Urban – 1 (RU-1)

Residential development in the RU-1 District allows a variety of housing types including single-family detached units (conventional, side yard house, cottage) and single-family attached units (semi-attached, two-family).

B. Residential Urban – 2 (RU-2)

Residential development in the RU-2 District allows a variety of housing types including single-family detached units (conventional, side yard house, cottage), single-family attached units (semi-attached, two-family), and a limited set of multifamily units (townhouse, large home, stacked townhouse).

C. Residential Urban – 3 (RU-3)

Residential development in the RU-3 District allows a variety of multifamily housing types (townhouse, large home, stacked townhouse, apartment).

D. Residential Urban – 4 (RU-4)

Residential development in the RU-4 District also allows a variety of multifamily housing types (townhouse, large home, stacked townhouse, apartment) but at greater intensity than permitted in the RU-3 District.

2.2.5 Nonresidential Districts

A. Office General

The OG District is intended to accommodate a broad range of professional office uses and a limited range of civic and professional services. The district is intended to be located along highways and adjacent to commercial uses to act as a buffer between higher intensity commercial uses and lower intensity residential uses.

B. Commercial Mixed Use (CMU-)

The commercial mixed use districts are intended to accommodate retail, service and commercial uses and to ensure that commercial-zoned areas are compatible with the character of existing neighborhoods. While the districts primarily accommodate commercial uses, apartments and upper-story residential are allowed in order to promote live-work and mixed used opportunities.

1. Commercial Mixed Use – 1 (CMU-1)

The CMU-1 District is intended to provide for neighborhood serving commercial, office, and employment uses. Residential uses are encouraged above the ground floor. Compatible nonresidential uses should be located within close proximity to the established residential neighborhoods they are designated to serve. Typical uses contain up to 15,000 square feet of ground floor area. Auto-oriented uses are not appropriate in this district.

2. Commercial Mixed Use – 2 (CMU-2)

The CMU-2 District is intended to provide for commercial, office, and employment uses that serve through traffic as well as surrounding neighborhoods. Residential uses are allowed on the ground floor but upper story units are encouraged. Typical centers may include anchor tenants up to 80,000 square feet of ground floor area. Uses in this district are intended to be located within convenient traveling distance from the multiple neighborhoods they are designated to serve.

3. Commercial Mixed Use – 3 (CMU-3)

The CMU-3 District is intended to accommodate a very board range of high intensity commercial, office and employment uses that require highly visible and highly accessible locations with direct access to major roadways. Residential uses are allowed on the ground floor but upper story units are encouraged. Typical uses in this district serve regional needs. The permitted uses are generally uses not of a neighborhood or general commercial type, but serve large areas of the City and County.

C. Central Business (CBD)

The CBD District is intended to accommodate high-intensity office, employment and residential uses within downtown. The district regulations recognize and support downtown's role as a center of regional importance and as a primary hub for business, communications, office, living, government, retail, cultural, educational, visitor accommodations, and entertainment. The district promotes vertical mixed-use (residential/nonresidential) projects that contain active ground-floor uses.

D. Campus Master Plan (CMP-)

The campus master plan districts are intended accommodate office, research and development, light manufacturing and processing uses and other campus-like developments, such as hospitals, colleges and universities, allowing for clustering opportunities that help improve overall efficiency. District regulations encourage originality and flexibility in design to ensure that the development is properly related to its site and to surrounding development patterns. Limited retail, restaurant and commercial uses are allowed, however, such uses are primarily for the convenience of employees or users of the campus.

1. Campus Master Plan – 1 (CMP-1)

The CMP-1 District is intended to accommodate new development where the land-use pattern is predominately urban in character. New development should be urban in character with an emphasis compact, vertical, pedestrian-oriented, mixed use development that fit seamlessly into the built environment. Landscaping requirements are reduced and buildings are pulled up much closer to the street.

2. Campus Master Plan – 2 (CMP-2)

The CMP-2 District is intended to accommodate new development where the land-use pattern is predominately suburban in character or where such a land use pattern is desired in the future. New development should be suburban in character with an emphasis on low-rise buildings that blend flawlessly into the natural environment. Landscaping requirements are significant and development patterns are characterized by deep, gracious setbacks.

E. Employment (EMP)

The EMP District is intended to accommodate office, light manufacturing, research and development, warehousing, wholesale and processing uses in order promote economic viability, encourage employment growth, and limit the encroachment of non-industrial development within established industrial areas. The district is further intended encourage originality and flexibility in design to ensure that the development is properly related to its site and to surrounding land uses. Development should be operated in a relatively clean and quiet manner, and should not be obnoxious to nearby residential or commercial uses.

F. Warehouse Distribution (WD)

The WD District is intended to accommodate a broad range of office/warehouse, warehouse/distribution and wholesale uses. The district is intended to recognize the high traffic volume and 24-hour nature of these uses.

G. Industrial–Heavy (IH)

The IH district is intended to accommodate high-impact manufacturing and industrial uses, including extractive and waste-related uses, that by their nature create some nuisance, and which are not properly associated with or are compatible with nearby residential districts or other less intense nonresidential districts.

2.2.6 Special Purpose Districts

See Article 5.

2.2.7 Overlay Districts

See Article 6.

2.3 GROUPS OF VARIOUS DISTRICTS

2.3.1 Residential Districts

Where the phrases "all residential districts," "residential districts," or "residentially zoned," or phraseology of similar intent are used in, the phrases shall be construed to include the following districts:

- A. Manufactured Home Park (R-MP)
- B. Residential – Estate (R-E)
- C. Residential Single-Family – 15 (R-15)
- D. Residential Single-Family – 10 (R-10)
- E. Residential Single-Family – 8 (R-8)
- F. Residential Single-Family – 6 (R-6)
- G. Residential Single-Family – 3 (R-3)
- H. Residential Suburban – 1 (RS-1)
- I. Residential Suburban – 2 (RS-2)
- J. Residential Urban – 1 (RU-1)
- K. Residential Urban – 2 (RU-2)
- L. Residential Urban – 3 (RU-3)
- M. Residential Urban – 4 (RU-4)

2.3.2 Nonresidential Districts

Where the phrases "all nonresidential districts," "nonresidential districts," or "nonresidentially zoned," or phraseology of similar intent are used, the phrases shall be construed to include the following districts:

- A. Office General (OG)
- B. Commercial Mixed Use – 1 (CMU-1)
- C. Commercial Mixed Use – 2 (CMU-2)
- D. Commercial Mixed Use – 3 (CMU-3)
- E. Central Business (CBD)
- F. Campus Master Plan – 1 (CMP-1)
- G. Campus Master Plan – 2 (CMP-2)
- H. Employment (EMP)
- I. Warehouse & Distribution (WD)
- J. Heavy Industrial (IH)

2.3.3 Industrial Districts

Where the phrases "all industrial districts," "industrial districts," or "industrial zoned," or phraseology of similar intent are used, the phrases shall be construed to include the following districts:

- A. Employment (EMP)
- B. Warehouse & Distribution (WD)
- C. Heavy Industrial (IH)

2.4 ZONING MAP

2.4.1 Zoning Map Incorporated

The boundaries of the zoning districts are established and shown on the “City of Memphis and Shelby County Zoning District Map” and may be cited and referred to as the “Zoning Map.” The Zoning Map is hereby made part of this development code. All notations, references and other information shown shall have the same force and effect as if fully set forth or described in this development code. The Zoning Map shall be properly attested and kept on file by the Planning Director.

2.4.2 Omitted Land

It is the intent of this development code that the entire area of the City of Memphis and Shelby County, except any incorporated territory outside the Memphis City limits, including all land and water areas, rivers, streets, alleys, railroads and other rights of way, be included in the districts established by this development code. Any area not shown on the Zoning Map as being included in any such district shall be classified in the CA District.

2.4.3 Height Map, Frontage Map

The boundaries of all adopted height maps and frontage maps are shown and made part of the Zoning Map as established in 2.4.1.

2.4.4 Rules of Interpretation

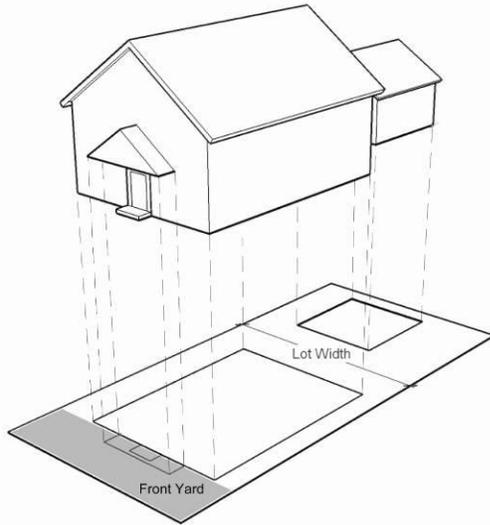
- A. In the event that any uncertainty exists with respect to the intended boundaries as shown on the Zoning Map, the Planning Director is authorized to interpret the Zoning Map.
- B. An application for a Zoning Map interpretation shall be submitted to the Planning Director. The application shall contain sufficient information to enable the Planning Director to make the necessary interpretation.
- C. Where uncertainty exists as to the boundaries of any district shown on the Zoning Map, the following rules shall apply:
 1. The boundaries are the center lines of the streets, alleys, waterways and rights-of-way, unless otherwise indicated. Where designation of a boundary line on the Zoning Map coincides with the location of a street, alley, waterway or right-of-way, the center line of the street, alley, water way or right-of-way shall be construed to be the boundary of such district.
 2. Where the boundaries do not coincide with the location of streets, alleys, waterways and rights-of-way but do coincide with lot lines, such lot lines shall be construed to be the boundaries.
 3. Where the boundaries do not coincide with the location of streets, alleys, waterways and rights-of-way or lot lines, the boundary shall be determined by the use of the scale shown on the Zoning Map.
 4. In any subdivided property, the lines on the Zoning Map made shall be determined by use of the scale shown on the Zoning Map.
 5. Where the district boundaries are not otherwise shown, and where the property has been or may be divided into blocks and lots, the boundaries shall be construed to be the lot lines, and where the districts designated on the Zoning Map made a part of this development code are bounded approximately by lot lines, the lot lines shall be construed to be the boundary of the district unless the boundaries are otherwise indicated on the Zoning Map.
- D. Upon dispute of the Planning Director's interpretation, the applicant may appeal the decision to the Board of Adjustment as set forth in 10.22.1.

2.5 HOUSING TYPES

In order to allow for a variety of housing options and to establish a common housing terminology in the City and County, the following housing types are established and are allowed by district as set forth in permitted use table. Character examples are provided for illustrative purposes only.

SINGLE FAMILY DETACHED – CONVENTIONAL

A single-family detached residential house containing one dwelling unit located on a single lot with private yards on all four sides.

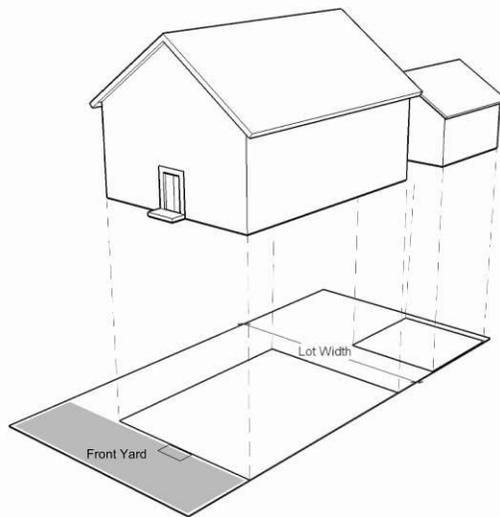


CHARACTER EXAMPLES



SINGLE FAMILY DETACHED – SIDE YARD HOUSE

A single-family detached residential house containing one dwelling unit located on a single lot with private yards on three sides. A side yard house has only a single side yard comprising the equivalent of the two side yards of a conventional single-family house.

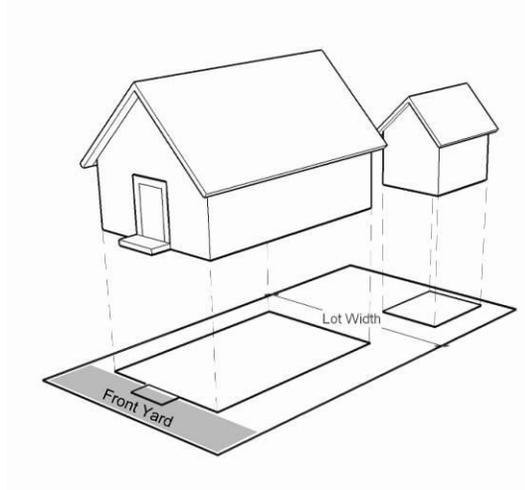


CHARACTER EXAMPLES



SINGLE FAMILY DETACHED – COTTAGE

A small one-story single-family detached residential house containing one dwelling unit. A cottage shall take vehicle access from the rear of the lot.

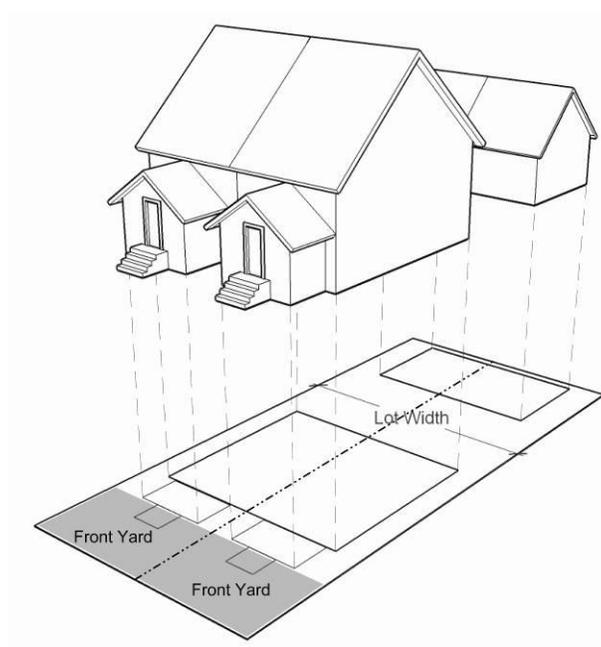


CHARACTER EXAMPLES



SINGLE FAMILY ATTACHED – SEMI-ATTACHED

A single-family attached residential house with two attached dwelling units located on two separate lots that share a common wall along a lot line.

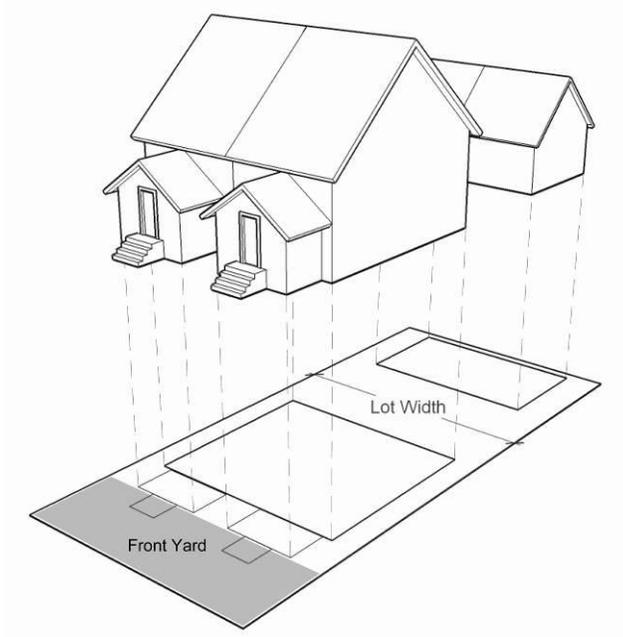


CHARACTER EXAMPLES



SINGLE FAMILY ATTACHED – TWO-FAMILY

A single-family attached residential house with two attached dwelling units located on a single lot or parcel (often called a duplex). The units may be located on separate floors or side-by-side.

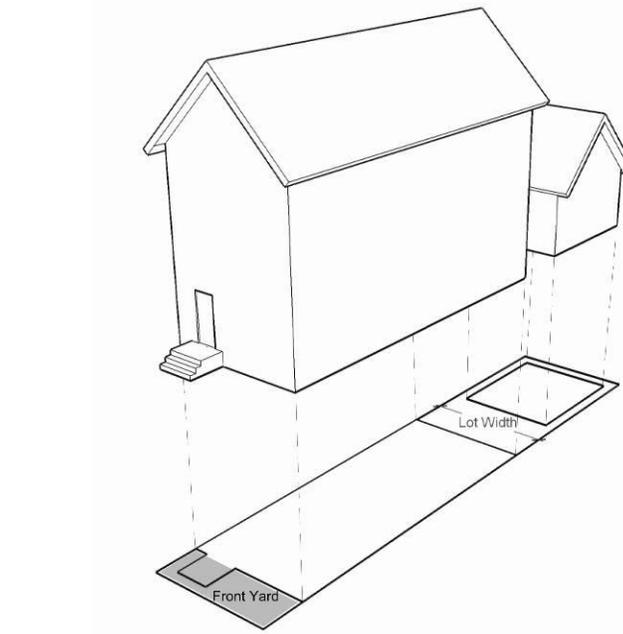


CHARACTER EXAMPLES



MULTIFAMILY – TOWNHOUSE

A multifamily residential building with three to eight attached dwelling units consolidated into a single structure. Each unit is separated by a common side wall. A townhouse is more than one story in height, however, units are not vertically mixed. Each unit has its own external entrance.

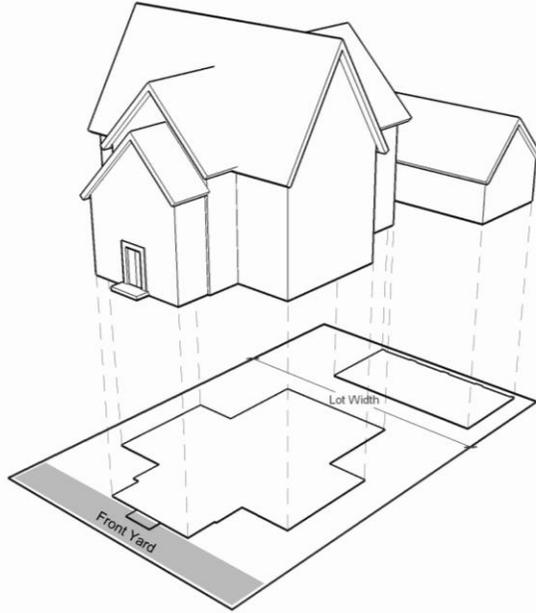


CHARACTER EXAMPLES



MULTIFAMILY – LARGE HOME

A multifamily residential building with three to eight attached dwelling units consolidated into a single structure. A large home is located on a single lot, and contains common walls. The building looks like a conventional single-family house with a single primary entrance. Dwelling units within a building may be situated either wholly or partially over or under other dwelling units.

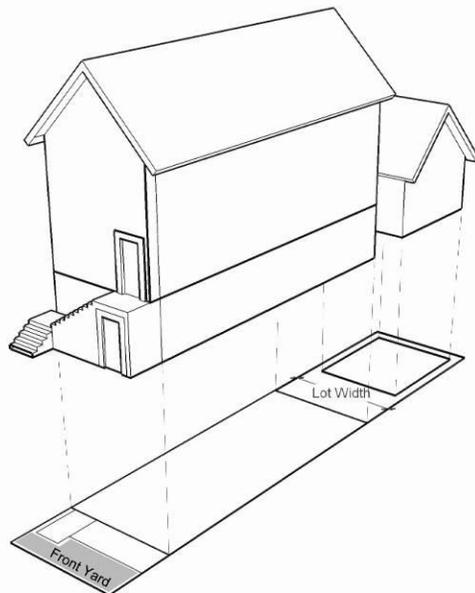


CHARACTER EXAMPLES



MULTIFAMILY – STACKED TOWNHOUSE

A multifamily residential building with six to sixteen attached dwelling units consolidated into a single structure. Each unit shares a common wall. Units are mixed vertically, however, no more than one unit is permitted above another unit. Each unit typically has its own external entrance.



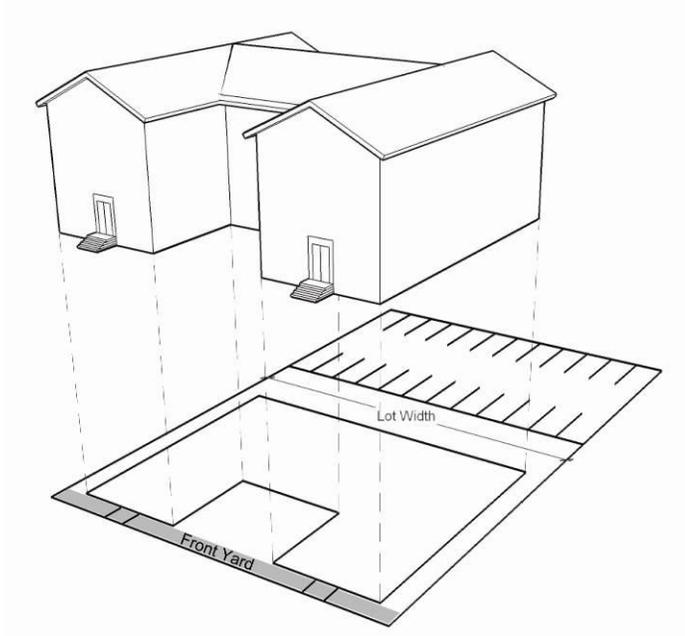
CHARACTER EXAMPLES



MULTIFAMILY – APARTMENT

A multifamily residential building containing three or more dwelling units consolidated into a single structure. An apartment contains common walls. Dwelling units within a building may be situated either wholly or partially over or under other dwelling units. The building often shares a common entrance.

CHARACTER EXAMPLES



2.6 PERMITTED USES**2.6.1 General Provisions****A. Approach to Categorizing Uses****1. Principal Uses**

Permitted principal uses by zoning district are set forth in the use table in 2.6.2. Permitted uses are grouped by use categories. Use categories are not zoning districts, use categories classify land uses and activities based on common functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, likely impact on surrounding properties, and site conditions. Use categories provide a systematic basis for assigning land uses to appropriate zoning districts. The use categories used in the use table in 2.6.2 are listed in 2.10, Use Categories.

2. Accessory Uses

Accessory uses are allowed in conjunction with a principal use as set forth in 2.10, Use Categories, and are subject to the provisions of 2.8, Accessory Structures and Uses. No accessory use may be established on a site prior to the establishment of a permitted principal use.

B. Uses Not Specifically Listed

1. Individual uses are listed in 2.10, Use Categories (uses may be further defined in Article 13, Definitions). Any use not specifically listed is expressly prohibited unless the Planning Director determines that the use is similar to a permitted use listed in this development code. Where the similar permitted use is subject to a use standard or special use review, the proposed use shall also be subject to such standard or approval. The Planning Director shall not amend this development code by adding to or eliminating any use standard for the proposed use.
2. Where a use not listed is found by the Planning Director not to be similar to any other permitted use, the use shall be permitted only following a text amendment of this development (see 10.4). Treatment of a use not specifically listed shall be determined by the Planning Director applying the following criteria:
 - a. The actual or projected characteristics of the proposed activity in relationship to the stated characteristics of each use.
 - b. The relative amount of site area or floor space and equipment devoted to the activity.
 - c. Relative amounts of sales from each activity.
 - d. The customer type for each activity.
 - e. The relative number of employees in each activity.
 - f. Hours of operation.
 - g. Building and site arrangement.
 - h. Types of vehicles used and their parking requirements.
 - i. The relative number of vehicle trips generated.
 - j. Signs.
 - k. How the use is advertised.
 - l. The likely impact on surrounding properties.
 - m. Whether the activity is likely to be found independent of the other activities on the site.

C. Developments with Multiple Principal Uses

1. When the principal uses of a development fall within different use categories, each principal use shall be classified or treated individually and each use shall be subject to all applicable regulations for that use.
2. A development comprised of separate uses shall be reviewed using the most restrictive process from among the proposed uses.

Commentary: *If a proposed development includes a gas station, library and a restaurant, including outparcels, and one of those uses is only permitted as a special use in the district, then the entire development requires special use review.*

3. Where a use requiring approval as a special use lies on a separate legal parcel, only the building containing the use and its separate parcel shall be subject to review, not the entire project. However, where the separate legal parcel is an outparcel, the application shall describe the relationship of the outparcel to the remaining site.

2.6.2 Permitted Use Table

A. Permitted (■)

Use is permitted in the respective district subject to the use standard, if applicable. Such use is also subject to all other applicable requirements of this development code.

B. Special Use Review (□)

Indicates a use may be permitted in the respective district only where approved by the governing bodies in accordance with 10.6, Special Use Review. Special uses are subject to all other applicable requirements of this development code, including all applicable use standards, except where such use standards are expressly modified by the governing bodies as part of the special use approval.

C. Blank Cell

A blank cell indicates that a use is not permitted in the respective district.

D. Use Standard

A cross-reference to any use standard listed in 2.7. Where no cross-reference is shown, no additional use standard applies.

E. Use Category

See 2.10, Use Categories for a comprehensive list of uses.

F. Principal Use

Principal use that is part of a use category (see 2.10, Use Categories).

*R- = R-E, R-15, R-10, R-8, R-6		KEY: BLANK CELL = NOT PERMITTED ■ = PERMITTED □ = SPECIAL USE APPROVAL																							
USE CATEGORY	PRINCIPAL USE	OS	FW	CA	CIV	R-MP	R-*	R-3	RS-1	RS-2	RU-1	RU-2	RU-3	RU-4	OG	CMU-1	CMU-2	CMU-3	GBD	CMP-1	CMP-2	EMP	WD	IH	Use Standard
RESIDENTIAL																									
Household Living (see 2.10.2A)	Single-Family Detached																								
	Conventional				■			■	■	■	■	■	■	■											
	Side Yard House						■	■	■	■	■	■	■	■											2.7.1A
	Cottage							■	■	■	■	■	■	■											
	Single-Family Attached																								
	Semi-attached								■	■	■	■	■	■											
	Two-Family								■	■	■	■	■	■											
	Multifamily																								
	Townhouse								■	■	■	■	■	■	■		■	■							
	Large Home								■	■	■	■	■	■	■		■	■							
	Stacked Townhouse									■	■	■	■	■	■		■	■	■						
	Apartment										■			■	■		■	■	■	■					
	Upper-Story Residential															■	■	■	■	■	■	■	■	■	2.7.1B
	Live-Work													■	■	■	■	■	■	■	■	■	■	■	2.7.1C
Manufactured Home (Type A), Modular				■		■	■	■	■	■	■	■	■											2.7.1D	
Manufactured Home (Type B)				□		□																		2.7.1E	
Manufactured Home Park				■		■																		2.7.1F	
Group Living (see 2.10.2B)	Boarding House, Rooming House, Single Room Occupancy									□			□	□		□	■	■	□					2.7.1G	
	Fraternity, Sorority, Dormitory															□	■	■		□	□			2.7.1G	
	Monastery, Convent					■										□	■	■	■	■	■	■		2.7.1G	
	Nursing Home, Full-time Convalescent, Hospice					■										□	■	■	■	■	■	■		2.7.1G	
	Personal Care Home for the Elderly				■	■		■	■	■	■	■	■	■											2.7.1G
	Residential Home for the Elderly, Assisted Living Facility					■										□	■	■	■	■	■	■			2.7.1G
	Supportive Living Facility				■	■		■	■	■	■	■	■	■											2.7.1G
CIVIC																									
Community Service (see 2.10.3A)	Museum, Library					■		□	□	□	□	□	□	□	□	■	■	■	■	■	■	■	■		
	Neighborhood Arts Center or Similar Community Facility (public)					■		□	□	□	□	□	□	□						■					
	Philanthropic Institution					■										■	■	■	■	■					
	Police, Fire, EMS Substation				■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	2.7.2A
Day Care (see 2.10.3B)	Adult day-care program					■		□	□	□	□	□	□	□	■	■	■	■	■	□	□				
	Family Day Care Home (5 to 7 persons)					■	■	■	■	■	■	■	■	■										2.7.2B	
	Group Day Care Home (8 to 12 persons)					■		□	□	□	□	□	□	□	■	■	■	■	■	□	□			2.7.2B	
	Day Care Center (13+ persons)					■		□	□	□	□	□	□	□	■	■	■	■	■	□	□			2.7.2B	
	Drop-in Child Care Center (15+ persons)															■	■	■	■	■	□	□		2.7.2B	
Nursery School, Preschool					■		□	□	□	□	□	□	□	■	■	■	■	■	■	□	□			2.7.2B	

*R- = R-E, R-15, R-10, R-8, R-6		KEY: BLANK CELL = NOT PERMITTED ■ = PERMITTED □ = SPECIAL USE APPROVAL																								
USE CATEGORY	PRINCIPAL USE	OS	FW	CA	CIV	R- MP	R- *	R- 3	RS- 1	RS- 2	RU- 1	RU- 2	RU- 3	RU- 4	OG	CMU- 1	CMU- 2	CMU- 3	CBD	CMP- 1	CMP- 2	EMP	WD	IH	Use Standard	
Education Facility <i>(see 2.10.3C)</i>	Academy (special training)				■										■	■	■	■	■	■	■					
	College, Community College, University				■										■	■	■	■	■	■	■	■				
	Seminary				■	□	□	□	□	□	□	□	□	□	■	■	■	■	■	■	■	■				2.7.2C
	School, Public or Private (K-12)				■	□	□	□	□	□	□	□	□	□	■	■	■	■	■	■	■	■				2.7.2C
	School, Trade, Vocational, Business														■	■	■	■	■	■	■	■	■			
Medical Facility <i>(see 2.10.3D)</i>	Blood Plasma Donation Center, Medical or Dental Laboratory															■	■	■	■	■	■	■				
	Hospital				□										□			■	■	■	■					
	Medical, Dental Office or Chiropractor														■	■	■	■	■	■	■	■				
Park/Open Area <i>(see 2.10.3E)</i>	All parks and open areas, except as listed below:	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	2.7.2D
	Cemetery, Mausoleum, Columbarium, Memorial Park			□	□											■	■	■								2.7.2E
	Game Preserve, Wildlife Management Area, Refuge, Animal Sanctuary			□	□																					
	Park, Dog Park	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	
	Recreation Field	□	□	□	□	□	□	□	□	□	□	□	□	□	□	■	■	■	■	■	■	■	■	■	■	2.7.2D
	Reservoir, Control Structure, Drainage Well, Water Supply Water Well	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	
Passenger Terminal <i>(see 2.10.3F)</i>	Airport, Heliport, Airline Terminal		□																			□	■	■	2.7.2F	
	Bus, Train Passenger Terminal																	■	■			□	□			
	Taxicab Dispatch Station, Limousine Service																□	■	■			■	■			
	Multimodal Facility																	■	■			■	■	■		
Place of Worship <i>(see 2.10.3G)</i>	All places of worship			■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	2.7.2G
Social Service Institution <i>(see 2.10.3H)</i>	All social service institutions				□												□	□	□							
Utilities <i>(see 2.10.3I)</i>	All minor utilities	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	
	All major utilities																					□		■		
	Communication towers (65 feet or less)		□	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	2.7.2H
	Communication towers		□	□	□													□	□	□			□	□	□	
	CMCS tower and facilities		□	■	□	□	□	□	□	□	□	□	□	□	■	■	■	■	■	■	■	■	■	■	■	2.7.2I

*R- = R-E, R-15, R-10, R-8, R-6		KEY: BLANK CELL = NOT PERMITTED ■ = PERMITTED □ = SPECIAL USE APPROVAL																								
USE CATEGORY	PRINCIPAL USE	OS	FW	CA	CIV	R- MP	R- *	R- 3	RS- 1	RS- 2	RU- 1	RU- 2	RU- 3	RU- 4	OG	CMU- 1	CMU- 2	CMU- 3	GBD	CMP- 1	CMP- 2	EMP	WD	IH	Use Standard	
Indoor Recreation (see 2.10.4A)	All indoor recreation, except as listed below:															■	■	■	■	■	■					
	Adult entertainment																						■		■	2.7.3A
	Bar, Tavern, Cocktail Lounge, Nightclub															□	□	■	■	■						2.7.3B
	Convention Center					■													□	■	□	□				
	Lodge, Membership Club		□			■		□	□	□	□	□	□	□	□	□	■	■	■	■	□	□				
Office (see 2.10.4B)	Indoor Shooting Range																□	□	□				■			
	All offices, except as listed below:															■	■	■	■	■	■	■	■	■		
Overnight Lodging (see 2.10.4C)	Radio, TV, or Recording Studio					■										■	■	■	■	■	■	■	■	■	2.7.3C	
	Bed and Breakfast								□	□	□	□	□	□		■	■	■	■	■	□	□				
	Hotel, Motel, Inn, Extended Stay Facility																	□	□	□	□	□			2.7.3D	
Outdoor Recreation (see 2.10.4D)	Youth Hostel																□	□	□	□	□					
	All outdoor recreation, except as listed below:		□																■						2.7.3E	
	Golf Course, Country Club, Clubhouse							□	□	□	□	□	□	□					■						2.7.3E	
	Horse Stables, Riding Academy, Equestrian Center					■													■						2.7.3E	
	Outdoor Shooting Range					□													■					■	2.7.3E	
Outdoor Advertising Sign (see 2.10.4E)	Stadium or Arena, Commercial Amphitheater																		■	■					2.7.3E	
	Permanent Off-Premise Advertising Sign																									
Parking, Commercial (see 2.10.4F)	All commercial parking															□		□	■	■	□	□	■	■		
	All restaurants, except as listed below:															■	■	■	■	■	□	□			2.7.3F	
Restaurant (see 2.10.4G)	Restaurant with sale of alcoholic beverages, Brew Pub															□	■	■	■	■	□	□			2.7.3G	
	Restaurant, Drive-in																	■	■	■	□	□				

2.6.2 Permitted Use Table

*R- = R-E, R-15, R-10, R-8, R-6		KEY: BLANK CELL = NOT PERMITTED ■ = PERMITTED □ = SPECIAL USE APPROVAL																									
USE CATEGORY	PRINCIPAL USE	OS	FW	CA	CIV	R-MP	R-*	R-3	RS-1	RS-2	RU-1	RU-2	RU-3	RU-4	OG	CMU-1	CMU-2	CMU-3	CBD	CMP-1	CMP-2	EMP	WD	IH	Use Standard		
Retail Sales & Service <i>(see 2.10.4H)</i>	All retail sales and service, except as listed below:															■	■	■	■								
	Animal Hospital, Veterinary Clinic, Pet Clinic			□													■	■	■	■			■			2.7.3H	
	Animal Boarding, Animal Shelter, Kennel, Doggy Day Care			□													■	■	■	■			■			2.7.3H	
	Art or photo studio, gallery								□	□	□	□	□	□	■	■	■	■	■	■	■	■	■				
	Bakery, retail																■	■	■	■	□	□					
	Barber or beauty shop																■	■	■	■	□	□					
	Bank																■	■	■	■	□	□					
	Convenience store with gas pumps, Gas station																■	■	■	■	□	□				2.7.3I	
	Convenience store without gas pumps								□	□	□	□	□	□			■	■	■	■	□	□					
	Catering establishment, small-scale																■	■	■	■			■				
	Cleaning establishment, small-scale																■	■	■	■			■				
	Cleaning, pickup station								□	□	□	□	□	□			■	■	■	■							
	Farmers Market			□	□												□	□	□	□							
	Greenhouse or Nursery, Commercial		□	□														■	■	■	■			■			
	Post Office																■	■	■	■	□	□	■				
	Pawnshop																	□	■	■	■			■			
Retail Sales Outdoor (vendor)		□														□	□	□	□						2.7.3J		
Tattoo, Palmist, Psychic or Medium, Massage Parlor																	□	■	■				■				
Vehicle parts and accessories																	■	■	■				■				
Self-Service Storage <i>(see 2.10.4I)</i>	Warehouse, self-service, mini-storage																						■			2.7.3K	
	Warehouse, indoor multi-story															■	■	■	■				■			2.7.3K	
Vehicle Sales & Service <i>(see 2.10.4J)</i>	All Vehicle Service, except as listed below:															□	■	■	■	□	□	■	■			2.7.3L	
	Lube, Oil Change Facility																■	■	■	■	□	□	■	■		2.7.3L	
	Tire motor vehicle sales and service																■	■	■	■	□	□	■	■		2.7.3L	
	Full- or Self-Service Vehicle Wash																■	■	■	■	□	□	■	■		2.7.3L	
	All Vehicle Repair																■	■	■	■	□	□	■	■	■	2.7.3L	
	All Vehicle Sales, Rental, Leasing, except as listed below:															□	■	■	■				■	■	■	2.7.3L	
Manufactured housing sales																	■					■		■	2.7.3L		
Water-Oriented <i>(see 2.10.4K)</i>	All water-oriented																	■				■	■	■			

*R- = R-E, R-15, R-10, R-8, R-6		KEY: BLANK CELL = NOT PERMITTED ■ = PERMITTED □ = SPECIAL USE APPROVAL																								
USE CATEGORY	PRINCIPAL USE	OS	FW	CA	CIV	R- MP	R- *	R- 3	RS- 1	RS- 2	RU- 1	RU- 2	RU- 3	RU- 4	OG	CMU- 1	CMU- 2	CMU- 3	GBD	CMP- 1	CMP- 2	EMP	WD	IH	Use Standard	
INDUSTRIAL																										
Wholesale Trade (see 2.10.5A)	All wholesale trade																		■	■			■	■	■	
	All light industrial, except as listed below:																						■		■	
Light Industrial (see 2.10.5B)	Bulk mailing service																					■	■	■		
	Clothing, textile or apparel manufacturing																		□	■			■		■	
	Contractors storage																		□	□			■		■	
	Detention center, jail, prison																								■	
	Lawn, tree or garden service																	□	■	■			■		■	
	Light manufacturing or assembly of equipment, instruments, or goods																	□	■	■	■	■	■		■	
	Lumberyard and wood products																		■	□			■		■	
	Movie production facility																						■		■	
	Photo finishing laboratory																		□	■	■	■	■	■		■
	Repair of scientific or professional instruments, electric motors																		□	■	■	■	■	■		■
	Research, Testing, and development Laboratory																		□	■	■	■	■	■		■
	Sheet metal shop																		□	■	■	■	■	■		■
	Soft drink bottling																						■	■	■	
	Welding, machine, tool repair shop																		□	■	■	■	■	■		■
Woodworking, including cabinet makers and furniture manufacturing																		□	■	■	■	■	■		■	
Warehouse & Distribution (see 2.10.5C)	All warehouse and distribution, except as listed below:																			□	□	□	■	■	■	
	Warehouse																		□	□	□	□	■	■	■	
Heavy Industrial (see 2.10.5D)	All heavy industrial, except as listed below:																							■		
	Asbestos products																								□	
	Chemical, cosmetics, drug, soap, paints, fertilizers and abrasive products																								□	
	Explosives																								□	
	Petroleum, liquefied petroleum gas and coal products includes refining																								□	
	Primary metal manufacturing																								□	
	Radioactive materials																								□	
	Rubber and plastic products, rubber manufacturing																								□	

*R- = R-E, R-15, R-10, R-8, R-6		KEY: BLANK CELL = NOT PERMITTED ■ = PERMITTED □ = SPECIAL USE APPROVAL																								
USE CATEGORY	PRINCIPAL USE	OS	FW	CA	CIV	R- MP	R- *	R- 3	RS- 1	RS- 2	RU- 1	RU- 2	RU- 3	RU- 4	OG	CMU- 1	CMU- 2	CMU- 3	CBD	CMP- 1	CMP- 2	EMP	WD	IH	Use Standard	
Waste-Related Services <i>(see 2.10.5E)</i>	All waste related services, except as listed below:																							■	2.7.4A	
	Recycling Drop-off Facility															□	□	□	□				□		■	
	Landfill																							□		2.7.4B
	Solid or Liquid Waste Transfer Station																		□				□		■	
	Waste Incineration																								□	
OPEN																										
Agriculture <i>(see 2.10.6A)</i>	All agriculture, except as listed below:		■	■																						
	Crop, soil preparation, agricultural services, large animal and veterinary services			■																						
	Farm labor and management services			■																						
	Sale of agriculture products, outdoor		■	■																						2.7.5A
	Winery (processing not permitted)			■																						
Resource Extraction <i>(see 2.10.6B)</i>	All resource extraction, except as listed below:			□																				□	2.7.5B	
	Dredging, earth extraction, clearing or grading (timber cutting)		□	□																				□	2.7.5C	
	Metal, sand stone, gravel clay, mining and other related processing		□	□																				□		
PLANNED																										
Planned Development <i>(see 10.6)</i>	All planned development		□	□			□	□	□	□					□	□	□	□	□	□			□	□	□	7.8

2.7 USE STANDARDS

2.7.1 Residential Use Standards

A. Side Yard House

1. Single Side Yard

A single side yard shall be provided comprising the equivalent of two side yards of a conventional single-family detached house. This reduction shall not be allowed on the side yard adjacent to lots that are not part of the side yard house project. Each lot line with no side yard setback shall be indicated on the final plat.

2. Maintenance Easement

An easement between the two property owners to allow for maintenance or repair of the house shall be required when the roof overhang or side wall of the house are within four feet of the adjacent property line (no roof overhang shall be permitted to extend across the property line). The easement on the adjacent property shall provide at least five feet of unobstructed space. The easement shall be recorded on the subdivision plat.

3. Privacy Widows

If the side wall of the house is on the property line, or within three feet of the property line, windows or other openings that allow for visibility into the side yard of the adjacent lot shall not be allowed. Windows that do not allow visibility into the side yard of the adjacent lot, such as a clerestory window or a translucent window, shall be allowed

[Graphic]

B. Upper-Story Residential

Any residential unit located on any floor above a ground floor nonresidential use. No residential use shall be located below a nonresidential use.

C. Live/Work

A residential unit used as both living accommodation, which includes cooking space and sanitary facilities in conformance with applicable building standards; and adequate working space accessible from the living area, reserved for, and regularly used by, one or more persons who reside in the unit.

1. All living space within the live/work unit needs to be contiguous with, and an integral part of, the working space, with direct and internal access between the two areas.
2. At least one full-time employee shall reside in the unit. The living space shall not be rented separately from the working space. No more than one employee not living on the premises shall be permitted.
3. Each live/work unit shall have a primary entrance from common areas such as hallways, corridors, and/or exterior portions of the building, such as courtyards, breezeways, parking areas and public spaces.
4. The working space within a single live/work unit shall be considered accessory and shall not trigger occupancy separations within that unit.
5. Each unit shall include a kitchen and restroom facilities, consisting of a toilet, lavatory, shower and/or bathtub. Restroom facilities shall be provided to serve the commercial portion of the unit. Individual public restroom facilities are not required within each live/work unit when disabled accessible public restroom facilities are provided elsewhere on the building site.
6. Work space within a live/work unit may be used as an office, studio, gallery, or for artisanal production involving the use of hand tools and small-scale, light mechanical equipment. No business, storage or warehousing of material, supplies or equipment shall be permitted outside of the unit.
7. No equipment or process shall be used that creates excessive noise, vibration, glare, fumes, odors, or electrical interference.
8. A live/work unit shall be subject to all applicable licenses and business taxes.
9. Only merchandise or commodity produced on the premises made be sold on the premise.
10. Advertising signs shall be limited to one unlighted wall sign no larger than three square feet in area, attached to the structure housing the live/work unit.

D. Manufactured Home (Type A), Modular

A manufactured home constructed after June 15, 1976 and meeting or exceeding the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction. Additionally, type A manufactured homes shall meet all of the following requirements:

1. The manufactured home shall have a length not exceeding four times its width, with length measured along the longest axis and width measured at the narrowest part of the other axis.
2. The pitch of the roof of the manufactured home shall have a minimum vertical rise of three feet for each 12 feet of horizontal run and the roof shall be finished with a type of shingle that is commonly used in standard residential construction.
3. All roof structures shall provide an eave projection of no less than six inches, which may include a gutter.
4. The exterior siding shall consist predominantly of vinyl or aluminum horizontal siding (whose reflectivity does not exceed that of gloss white paint), wood, or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction
5. The manufactured home shall be set up in accordance with the standards set by the state of Tennessee. Screening of the foundation area shall be by a continuous, permanent masonry foundation or masonry curtain wall in accordance with International Building Code regulations, unbroken except for required ventilation and access, and which shall be installed under the perimeter of the manufactured home.
6. Stairs, porches, entrance platforms, ramps, and other means of entrance to and exit from the manufactured home shall be installed or constructed in accordance with the standards set by the International Building Code, freestanding or attached firmly to the primary structure and anchored securely to the ground.
7. The moving hitch, wheels and axles, and transporting lights shall be removed.

E. Manufactured Home (Type B)

A manufactured home constructed after June 15, 1976 and meeting or exceeding the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction. A single type B manufactured home may be allowed in the CA District as a special use and shall meet the following requirements:

1. The lot upon which the manufactured home is located shall be at least one acre, except for smaller lots of record established prior to the effective date of this development.
2. A written statement from the Memphis and Shelby County Health Department approving the sewage disposal facilities for the home shall be required.
3. The special use permit shall be granted for a maximum period of four years.
4. The manufactured home shall not have a substantial or undue adverse effect upon adjacent property, the character of the area, utility facilities and other matters affecting the public health, safety and general welfare.
5. The manufactured home shall meet requirements of the state of Tennessee for installation and tie-downs.
6. The manufactured home shall be skirted with a durable material that encloses the area between the chassis and the ground. Durable material includes but is not limited to vinyl or masonry.
7. Stairs, porches, entrance platforms, ramps, and other means of entrance and exit to and from the manufactured home shall be installed or constructed in accordance with the standards set by the International Building Code, free standing or attached firmly to the primary structure and anchored securely to the ground.
8. The moving hitch, wheels and axles, and transporting lights shall be removed.
9. Any type B manufactured home proposed to be located in the Floodplain District shall be subject to the following specific requirements:
 - a. All manufactured homes shall be anchored to resist floatation, collapse or lateral movement by providing over-the-top frame ties to ground anchors.
 - b. Over-the-top ties shall be provided at each of the four corners of the manufactured home with two additional ties per side at intermediate locations on manufactured homes 50 feet or greater in length (a total of eight ties are required) and one additional tie per side on manufactured homes less than 50 feet in length (a total of six ties are required).
 - c. Frame ties shall be provided at each of the four corners of the manufactured homes, with five additional ties per side at intermediate locations on manufactured homes 50 feet or greater in length (a total of 14 ties are required) and four additional ties per side on manufactured homes less than 50 feet in length (a total of 12 ties are required).

- d. All components of the anchoring system shall be capable of carrying a force of 4,800 pounds.
- e. Any additions to a manufactured home shall be similarly anchored.

F. Manufactured Home Park

1. Manufactured homes located within manufactured home parks shall be in accordance with the requirements of 2.7.1D above.
2. Manufactured home parks shall also meet the R-MP District standards as set forth in 3.5.4.
3. A site plan submitted and approved in accordance with the provisions of 10.12, Site Plan Review, shall be required prior to the issuance of any building permits for the development of a manufactured home park.

G. All Group Living

1. State licensing requirements?
2. Where abutting a residential use, visual buffers shall be provided so as to shield all parking, outdoor service, and outdoor activity areas from abutting property. Such buffer shall consist of trees or other vegetation of such height and depths or an appropriate fence or wall or combination thereof as determined during the site plan review process.
3. All parking, loading and unloading, and deliveries shall take place from the rear of the property or shall be sufficiently screened from view as set forth 7.4.6.

2.7.2 Civic Use Standards

A. Police, Fire, EMS Substation

Where abutting a residential use, visual buffers shall be provided so as to shield all parking, outdoor service, and outdoor activity areas from abutting property. Such buffer shall consist of trees or other vegetation of such height and depths or an appropriate fence or wall or combination thereof as determined during the site plan review process.

B. All Day Care

1. General Provisions

- a. Day care facilities shall be required to meet the rules adopted and published pursuant the Tennessee Department of Human Services.
- b. Where abutting a residential use, visual buffers shall be provided so as to shield all parking areas, play areas and outdoor activity from abutting property. Such buffer shall consist of trees or other vegetation of such height and depths or an appropriate fence or wall or combination thereof as determined during the site review process.
- c. A facility that is located in a residential district shall maintain the residential character and scale of the area in which it is located.
- d. Sufficient off-street passenger drop-off and passenger loading area shall be provided on-site (see 7.3.6 for stacking requirements associated with day care drop off).
- e. The maximum number of children to be accommodated on site shall be specified. Children who are related to the child care provider by blood or marriage and are kept at the facility shall be counted for purposes of determining enrollment and facility compliance with these standards.
- f. State and local health, education, and/or fire regulations may reduce but shall not increase the number of students permitted to be enrolled.
- g. Enrollment shall mean the total number of children enrolled at any one time.

2. Group Day Care Home

The property shall be located on a collector street, on a major road, on a minor street or private drive that serves only nonresidential uses or zoning districts, or on a minor street within 100 feet of an intersecting major street.

3. Day Care Center

- a. The minimum lot size shall be 20,000 square feet in a residential district.

- b. The distance from the closest existing Day Care Center to a proposed Day Care Center shall not be less than 1/4 mile when measured along the most direct roadway route between the two sites, if both sites are in a residential district.
- c. The property should be located: (a) on a major road, or (b) on a collector street within 200 feet of an intersecting major road or (c) if on a minor street.

C. School, Public or Private, Seminary

The minimum lot size shall be five acres in a residential district.

D. All Park/Open Areas

Fields for recreation and athletics which provide seating for more than 250 spectators or which are equipped with outdoor lighting visible from any adjacent residential district shall be subject to the following additional standards:

1. Class C buffer (see 7.4.5) shall be established along any side of the property adjacent to a residential use.
2. Lighting, if any, including but not limited to, lighted scoreboards, for such fields shall be so arranged to prevent direct glare onto any public or private property or streets.

E. Cemetery, Mausoleum

1. Cemeteries shall be located on sites of at least ten acres.
2. A mausoleum which is not located in a cemetery shall be located on a site of at least two acres.
3. All structures located in a cemetery of six feet in height or over including, but not limited to mausoleums, monuments and buildings, and all mausoleums not located in a cemetery and regardless of height shall be set back at least 100 feet from each lot line and public right-of-way.
4. All graves or burial lots shall be set back at least 30 feet from each lot line and public right-of-way.
5. Class C buffer (see 7.4.5) shall be established along any side of the property adjacent to a residential use.
6. A cemetery site shall not obstruct the development of any major or collector streets proposed in the Memphis Urban Area Transportation Study (Chapter 405 of the Private Acts of 1925 further regulates the location, establishment and operation of cemeteries).

F. Airport, Heliport, Airport Terminal

Airports and heliports subject to the following additional standard that the application for a special permit shall be accompanied by the written recommendations of the Federal Aviation Administration.

G. All Places of Worship

1. The minimum lot size shall be 20,000 square feet in a residential district.
2. In all residential districts, places of worship shall be limited to corner lots only.
3. All parking shall located on the same parcel, contiguous parcel, or in a district that allows commercial parking as principal use.

H. Communication Tower (65 feet or less)

1. The tower shall be located so that no part of the antenna or its elements shall encroach within the required side or rear yard setbacks or within ten feet of any easement for overhead electric distribution or transmission lines.
2. The tower and any element of the tower including guy wires or anchors shall not be located within the front 40 percent of any area of the lot abutting a public street or approved private drive.
3. The tower height shall be established as the tallest point of the supporting tower and shall not include antenna mast or antenna elements affixed to the tower.
4. No more than one such tower shall be located on a lot.
5. The request for a building permit shall be accompanied by a copy of a valid Amateur Radio Operators licensed issued by the FCC for the location being requested.
6. The applicant shall obtain written approval from Memphis Light, Gas & Water; Electric Distribution Engineering Division for construction of any tower located within a distance equal to the tower height plus the height of antenna elements from any overhead electric lines.
7. A tower shall not be structurally installed in such a way that it could fall onto a neighbor's property during normal operations or if a disastrous windstorm comes along. Installation shall conform to all local Building Code and structural design requirements pertaining to wind loading and structural strength characteristics protecting against collapse of the tower.

8. Provisions must be made to keep children from climbing the tower. At a minimum an enclosure, including gates, shall be constructed around the property or the tower at least four feet above the underlying grounds to adequately restrict access to the base of the tower from small children.
9. The application for a building permit must be certified by a professional engineer stating that all local requirements have been met.
10. Any tower constructed prior to March 6, 1990, shall be permitted to remain. There shall not be any increase in height permitted.
11. Prior to issuing the building permit, the tower owner shall agree in writing to reimburse and an adjacent property owner the cost of his homeowners deductible, up to \$500, if the homeowner's insurance company is called upon to pay for repair of damage caused by the tower or any part thereof falling on the adjacent property.
12. There shall be administrative site plan review to provide landscape screening to reasonably screen the tower from adjacent residential properties as determined Planning Director.

I. CMCS Tower and Facilities

1. Special Use Review

a. Application

The application for a special use permit approval (see also 10.6) shall include the following:

- 1) A site plan drawn showing the property boundaries, tower, guy wire anchors (if any), existing structures, proposed transmission buildings and/or other accessory uses, access, parking, fences, a landscaping plan and existing abutting land uses around the site.
- 2) A study from a professional engineer which specifies the tower height and design including a cross-section of the structure, demonstrates the tower's compliance with applicable structural standards, including a certification that the tower will withstand at a minimum sustained winds in accordance with the appropriate building code, and a description of the tower's capacity, including the number and type of antennas which it can accommodate.
- 3) Written statements that the proposed tower will comply with regulations administered by the Federal Aviation Administration, Federal Communications Commission, and all applicable governmental bodies or that the tower is exempt from those regulations.
- 4) A letter of intent committing the tower owner and his or her successors to allow shared use of the tower if capacity exists based on existing and planned use, and if a future applicant agrees in writing to pay any reasonable charge of shared use, the potential use is technically compatible and the future applicant is in good standing.
- 5) The minimum setback requirements of the zoning district shall apply to the equipment, structures, and other buildings which are auxiliary to functions of the CMCS tower. Exceptions to the minimum setback requirements may be permitted. The tower height shall not be used to calculate the minimum setback requirements. The district height restrictions do not apply to tower height and the height permitted for each new application shall be set on the basis of its own merits.

b. General Requirements

The location, size and design of such facilities shall be such that minimal negative impacts results from the facility. Any application for a new CMCS tower shall not be approved nor shall any building permit for a new CMCS tower be issued unless the applicant certifies that the CMCS equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or other structure due to one or more of the following reasons:

- 1) The planned equipment would exceed the structural capacity of existing and approved structures, considering existing and planned use of those structure, and those structures cannot be reinforced to accommodate planned or equivalent equipment at a reasonable cost.
- 2) The planned equipment would result in technical or physical interference with or from other existing or planned equipment and the interference cannot be prevented at a reasonable cost.
- 3) There are no appropriate existing or pending structures to accommodate the planned equipment, taking into account, among other factors, the applicant's system requirements.

- 4) Other reasons that make it impractical to place equipment planned by the applicant on existing and approved structures.

c. Publicly-Owned Property

Applications for CMCS facilities to be located on publicly owned and/or leased properties, including without limitations, public parks, the following criteria shall apply:

- 1) Approval of a CMCS Facility in a public park shall require a 2/3 majority by the governing bodies. The CMCS Facility will not unduly interfere with the functions or aesthetics of the City park or property.
- 2) A CMCS Facility shall not be located on any public park less than ten acres in size.
- 3) Minimum distance between any CMCS Facility and any playground shall be equal to one and a half times the height of the tower.
- 4) The use of an existing tower or existing support structure is not technically, structurally, economically and/or financially feasible.
- 5) The proposed facility has adequate capacity to handle a minimum of three additional users.
- 6) All towers shall be a stealth application or consistent with the natural or built environment or the site. Landscaping and screening may be required in addition to the minimum requirements of this development code.
- 7) Obstruction lighting and/or marking shall not be permitted in public parks or on public school properties. On other public properties, proposed lighting may be approved by the governing bodies as an element of the special use permit site plan and conditions.
- 8) Any CMCS facility which has ceased operations for a period of 180 continuous days shall be dismantled and removed from the site at the owners expense. Prior to the issuance of a building permit for such CMCS facility, adequate financial security not to exceed \$20,000 shall be posted with the building official to assure the dismantling, removing and restoring of the public property/park upon which the CMCS facility will be located.
- 9) The planned equipment will not interfere with emergency communications including without limitation those of the Memphis Fire and Police Departments, the Shelby County Fire Department and/or the Shelby County Sheriff's Department as substantiated through a RF (radio frequency) study. If interference occurs, proper remediation steps shall be taken.

d. Co-Location

- 1) Any proposed tower shall be structurally designed to accommodate at least three additional CMCS sectorized antennas, if at least 100 feet in height, at least five additional CMCS sectorized antennas if at least 150 feet in height, at least six additional CMCS sectorized antennas if at least 170 feet in height. Colocated CMCS antennas shall be placed on a structure in such a manner as to avoid interference with or impairment of operations of existing antennas or other uses.
- 2) Nothing in these rules and regulations shall obligate the owner of an existing tower to colocate additional antennas on such tower or be construed to interfere with or limit the rights of parties to set rent or establish other terms and conditions of the shared use of a CMCS tower or facility.

e. Setbacks

The minimum setback requirement for support structures including associated attachments shall correspond to the zoning district in which they are located, except that a minimum buffer equal to the height of the tower shall be maintained between any support structure (excepting sites incorporating stealth design) and any single-family residential district.

f. Accessory Facilities

Accessory facilities shall be permitted but may not include offices, long-term vehicle storage, other outdoor storage, or broadcast studios, except for emergency purposes or other uses that are not needed to send or receive transmissions.

g. Screening and Fencing

- 1) Existing on-site vegetation shall be preserved to the maximum extent practicable and shall be supplemented as required by the Planning Director as necessary. Where the site abuts a residential

district, the residential portion of an approved planned development, or public land or streets, a Class C buffer (see 7.4.5) shall be established along the side of the abutting property.

- 2) Security fencing shall be required around the base and guy anchors of any towers.

h. Lighting

Towers shall not be artificially lighted unless:

- 1) Required by the Federal Aviation Administration or other governmental authority;
- 2) Circumstances make lighting appropriate for safety or other reasons unique to a specific application that are set forth in that application, but in no case shall any lighting shine into adjacent residential structures.

i. Residential Districts

Within residential districts, CMCS facilities, support structures and associated attachments shall be encouraged to locate on publicly owned and/or leased properties, public/private utility owned properties, or institutional uses.

2. Administrative Review in Non-Industrial Districts

a. Application

The application for administrative approval shall include the following:

- 1) A site plan drawn showing the property boundaries, tower, guy wire anchors (if any), existing structures, proposed transmission building and/or other accessory uses, access, parking, fences, a landscaping plan and existing abutting land uses around the site.
- 2) A study from a professional engineer which specifies the tower height and design including a cross-section of the structure, demonstrates the tower's compliance with applicable structural standards, including a certification that the tower will withstand at a minimum sustained winds in accordance with the appropriate building code, and a description of the tower's capacity, including the number and type of antennas which it can accommodate.
- 3) Written statements that the proposed tower will comply with regulations administered by the Federal Aviation Administration, Federal Communications Commission, and all applicable governmental bodies or that the tower is exempt from those regulations.
- 4) A letter of intent committing the tower owner and his or her successors to allow shared use of the tower if capacity exists based on existing and planned use, and if a future applicant agrees in writing to pay any reasonable charge of shared use, the potential use is technically compatible and the future applicant is in good standing.

b. Distance and Spacing

- 1) The edge of the lot line the tower is locating on within the City limits of Memphis cannot be closer than 500 feet from any property zoned R-, RS-, RU- or used for residential use including the residential portion of a planned development and residential uses within the CA District; 1,500 feet is applicable to sites within unincorporated Shelby County. Interstate highway right-of-way (which is zoned R-15) is exempt from this measurement. If the distance requirement cannot be met, a special use permit is required except for those cases locating in the EMP, WD and IH districts.
- 2) If a church, school, community center, or other institutional uses fall within the 500 foot/1,500 foot measurement area above, a special use permit shall be required.
- 3) All CMCS towers must be spaced a minimum distance of one-quarter mile as measured from property line to property line. In the EMP, WD and IH districts, the spacing shall be measured from the leased area or property line.

c. Height

The maximum tower height to be submitted for approval under an administrative approval is 200 feet from ground level. Any tower over 200 feet will require a special use permit.

d. Existing Structures

Any application for a new CMCS tower shall not be approved nor shall any building permit for a new CMCS tower be issued unless the applicant certifies that the CMCS equipment planned for the proposed tower

cannot be accommodated on an existing or approved tower or other structure due to one or more of the following reasons:

- 1) The planned equipment would exceed the capacity of existing and approved structures, considering existing and planned use of those structures.
- 2) The planned equipment would result in technical or physical interference with or from other existing or planned equipment.
- 3) There are no appropriate existing or pending structures to accommodate the planned equipment, taking into account, among other factors, the applicant's system requirements.
- 4) Other reasons that make it impractical to place equipment planned by the applicant on existing and approved structures.

e. Co-Location

- 1) Any proposed tower shall be structurally designed to accommodate at least one additional CMCS sectorized antenna array if under 130 feet in height or at least two additional CMCS sectorized antenna arrays if under 130 feet in height or greater. Co-located CMCS antennas shall be placed on a structure in such a manner as to avoid interference with or impairment of operations of existing antennas or other uses.
- 2) All CMCS towers within 1,000 feet of any property zoned R-, RS-, RU- or used for residential use or the residential portion of a planned unit development shall be of monopole design only. No lattice towers are permitted with this 1,000 foot area except by as a special use. Interstate highway right-of-way (which is zoned R-15) is exempt from the measurement criteria.
- 3) Nothing in these rules and regulations shall obligate the owner of an existing tower to colocate additional antennas on such tower or be construed to interfere with or limit the rights of parties to set rent or establish other terms and conditions of the shared use of a CMCS tower or facility.

f. Accessory Facilities

Accessory facilities shall be permitted but may not include offices, long-term vehicle storage, other outdoor storage, or broadcast studios, except for emergency purposes or other uses that are not needed to send or receive transmissions.

g. Screening and Fencing

- 1) Existing on-site vegetation shall be preserved to the maximum extent practicable and shall be supplemented as required by the Planning Director as necessary. Alternatives such as walls or fences may be permitted based on security or other reasons.
- 2) Security fencing shall be required around the base and guy anchors of any tower.

h. Lighting

Towers shall not be artificially lighted unless:

- 1) Required by the Federal Aviation Administration or other governmental authority.
- 2) Circumstances make lighting appropriate for safety or other reasons unique to a specific application that are set forth in that application, but in no case shall any lighting shine into adjacent residential areas.

i. Additional Review Authority

- 1) Applications for all towers, including towers proposed within the EMP, WD and IH districts shall be subject to review by the Memphis-Shelby County Airport Authority within the area outlined by the following boundaries: I-240, Lamar Avenue, Getwell Road, State Line Road and I-55. The Airport Authority shall have a 14-day period to provide comments. The application may be appealed to the Memphis City Council.
- 2) Within the CBD District, CMCS towers and facilities are subject to review and approval by the Design Review Commission of the Memphis Center City Commission. The action of the Design Review Commission may be appealed to the Memphis City Council. The applicant may appeal directly to the City Council if the Design Review Commission fails to act within six weeks.
- 3) Within the Central Business Improvement District (CBID) outside of CBD, applications for all towers including towers proposed within the EMP, WD and IH districts shall be subject to review by the

Memphis Center City Commission. The Center City Commission shall have a 14-day period to provide comments. The application may be appealed to the Memphis City Council.

j. Setbacks

The minimum setback requirements of the zoning district shall apply to the equipment, structures, and other buildings which are auxiliary to functions of the CMCS tower. Exceptions to the minimum setback requirements may be permitted. The tower height shall not be used to calculate the minimum setback requirements.

k. Appeals

Should the Planning Director not support the approval of the tower or facilities during the administrative review, the applicant may file an appeal within ten days of receipt of the written decision at issue by giving a written request to the Planning Director requesting a public hearing before the governing bodies, subject to public notice to neighboring land owners within 500 feet if the site is located in the City of Memphis or 1,500 feet if located in unincorporated Shelby County.

l. Removal of Equipment

Any CMCS tower and equipment shall be removed no later than 180 days after ceasing operations.

3. By Right Approval in Industrial Districts (EMP, WD, IH)

- a. CMCS towers are permitted by right in the EMP, WD and IH districts provided the towers do not extend beyond 200 feet in height from ground level and the edge of the lot line or leasable area cannot be closer than 500 feet from any property zoned R-, RS-, RU- or used for residential use including the residential portion of a planned development and residential used within the CA District within the city limits of Memphis and 1,500 feet in unincorporated Shelby County.
- b. If permitted by right, the minimum setback requirements of the zoning district shall apply to the equipment, structures, and other buildings which are auxiliary to functions of the CMCS tower. Exceptions to the minimum setback requirements may be permitted subject to the approval of the Building Official.
- c. The tower height shall not be used to calculate the minimum building setback requirements. If closer than the 500/1,500 foot measurement criteria above, administrative review shall be required provided the tower is no more than 200 feet in height. If higher than 200 feet, a special use permit is required.
- d. Applications for all towers, including towers proposed within the EMP, WD and IH districts shall be subject to review by the Memphis-Shelby County Airport Authority within the area outlined by the following boundaries: I-240, Lamar Avenue, Getwell Road, State Line Road and I-55. The Airport Authority shall have a 14-day period to provide comments. The application may be appealed to the Memphis City Council.
- e. Within the Central Business Improvement District (CBID) outside of CBD, applications for all towers including towers proposed within the EMP, WD and IH districts shall be subject to review by the Memphis Center City Commission. The Center City Commission shall have a 14-day period to provide comments. The application may be appealed to the Memphis City Council.

2.7.3 Commercial Use Standards

A. Adult Entertainment

An adult entertainment establishment shall meet all requirements of Chapter 6-72 Sexually Oriented Businesses, of the Memphis City Code of Ordinances and Chapter 7, Article XII, Sexually Oriented Businesses, of the County Code of Ordinances.

B. Bar, Tavern, Cocktail Lounge, Nightclub

1. A bar, tavern, cocktail lounge, or nightclub shall meet all requirements of Title 7, Alcoholic Beverages, of the City Code of Ordinances.
2. The applicant shall obtain a valid beer or other alcoholic beverage license as a condition of and prior to the issue of any building permits and/or use and occupancy permits.
3. If applicable, any change in business ownership shall require a new application for a special use permit. A special use permit shall be valid only under the name of the business owner named in conditions of approval.

C. Radio, TV, or Recording Studio

Radio and television transmission towers subject to the following additional standards:

1. Radio and television towers shall not be located in the approach or landing zones of an airport or heliport.
2. The application for a special use permit shall be accompanied by the written recommendations of appropriate state and federal agencies.
3. Except when located in the CBD District, radio and television towers over 100 feet in height shall be set back, in addition to the yards required by the regulations of the district in which such towers are located, one foot for every three feet in height over 100 feet.

D. Hotel, Motel, Inn, Extended Stay Facility

The governing bodies find that hourly rate motels and hotels have a deleterious effect on both the commercial and residential segments of a neighborhood, causing blight and the downgrading of property values. Special use permits for Motel/Hotel (Hourly Rate) are subject to the following additional standards to regulate serious objectionable, operational characteristics. Hotels and Motels not classified as hourly rate are required to meet only standards 2, 3 and 4.

1. Such use will not be located within 1,500 feet of any school, park, church, library, coliseum, convention center, residential use or residential district as measured between property lines or applicable district boundaries.
2. Any change in ownership will require the approval of a new special use permit.
3. Such use should have direct access to a major road as shown on the adopted MPO Long Range Transportation Plan.
4. Perimeter fencing and screening will be required in accordance with the landscape ordinance.
5. Any such use will not be located within 1500 feet of any other hourly rate motel/hotel or any sexually oriented business.

E. Outdoor Recreation

Fields for recreation and athletics which provide seating for more than 250 spectators or which are equipped with outdoor lighting visible from an adjacent residential district shall be subject to the following additional standards:

1. Class C buffer (see 7.4.5) shall be established along any side of the property adjacent to a residential use.
2. Lighting, if any, including but not limited to, lighted scoreboards, for such fields shall be so arranged to prevent direct glare onto any public or private property or streets.

F. Restaurant

In the OG District, restaurant uses shall be located in an office building of three or more stories or at least 25,000 square feet of floor area.

G. Restaurants with Sale of Alcoholic Beverages, Brew Pub

1. A restaurant with sale of alcoholic beverages, or brew pub shall meet all requirements of Title 7, Alcoholic Beverages, of the City Code of Ordinances.
2. The applicant shall obtain a valid beer or other alcoholic beverage license as a condition of and prior to the issue of any building permits and/or use and occupancy permits.
3. If applicable, any change in business ownership shall require a new application for a special use permit. A special use permit shall be valid only under the name of the business owner named in conditions of approval.

H. Animal Hospital, Veterinary Clinic, Pet Clinic, Animal Boarding, Animal Shelter, Kennel

1. In the CA, WD, IH Districts. Outdoor runs shall be permitted.
2. In All Other Districts. No outdoor runs shall be permitted. All overnight care of animals shall occur indoors. All pens, kennels and runs shall be located within an enclosed building.

I. Convenience Store with Gas Pumps, Gas Station

1. General Standards

- a. The primary building, including the full canopy, shall conform to all building envelope standards.
- b. Gasoline pumps, tanks, vents and pump islands shall be located no closer than 20 feet to any side or rear property line or right-of-way.
- c. No sign of any type or any gasoline pump or tank shall be located within 20 feet of a residential district.
- d. A Class C buffer (see 7.4.5) shall be established along any side of the property adjacent to a residential use, provided such barrier or screen shall not restrict clear sight at any intersection or driveway.

- e. Freestanding vents shall not be permitted.

2. Fuel Canopies

- a. The canopy shall be located no closer than 15 feet to any side or rear property line or right-of-way.
- b. The canopy shall not exceed the height of the principal building, but in no case shall the canopy height exceed 20 feet.
- c. The canopy shall be constructed of building materials consistent with that of the principal building, including the roof.
- d. The canopy shall be integrated structurally and architecturally into the design of the principal building and shall be complementary to the overall color scheme of the building façade from which it projects.
- e. Canopy lighting shall not extend beyond the area beneath the canopy and all fixtures shall be recessed, including any fixture or lens.

3. Single-Bay Automatic Car Wash

An accessory single-bay automatic (not self-service) car wash completely enclosed except for openings necessary to allow entry and exit of vehicles shall be permitted subject to the following:

- a. The car wash structure shall be located no closer than 20 feet to any side or rear property line or right-of-way. The car wash structure shall be located no closer than 50 feet to any side or property line adjacent to a residential district.
- b. The car wash structure shall meet all applicable building envelope standards and shall not exceed a height of 20 feet or exceed an overall building dimension of 25 feet in width and 50 feet in length.
- c. The car wash structure shall be constructed of building materials consistent with that of the principal building, including the roof.
- d. The doors of the car wash building shall be architecturally compatible with the car wash building and shall be fully closed when the facility is not in operation.
- e. The car wash structure shall be located behind the rear building line of the principal building.
- f. The car wash structure shall be sited so as to discourage direct street view of the facility. Direct street access is permissible only when appropriate landscaped areas such as, but not limited to, planter islands or other landscaped features are used to screen from street view.
- g. The car wash facility shall not operate before 6 AM or after 10 PM.

J. Retail Sales Outdoor (Vendor)

1. The specific purpose of this section is to safeguard the urban environment by permitting such uses in a manner consistent with safe and efficient circulation of pedestrians and vehicles and by protecting the integrity and character of the surrounding neighborhood, properties and uses. Such uses may, when properly integrated with surrounding uses, become a valued component of the urban environment.
2. No person shall place or operate or allow the placement or operation of any stationary retail sales, or vending facility which serves the general public outdoors or any privately owned parcel or lot except in compliance with a special use permit.
3. An outdoor retail sales or vending facility shall be deemed to be stationary if it remains or operates on any single parcel or lot for more than a total of one-half hour in any 24 hour period. A special use permit is required for each individual vending facility.
4. Vending facilities as regulated under this section shall not be permitted to locate on vacant parcels or lots. Each vending facility shall be located on the same site as, and shall share support facilities, including parking, sanitary and trash disposal facilities, with an on-premise host. As a condition of approval of a special use permit for a vending facility, the operator of such facility shall provide an agreement signed by the owner of the parcel or lot, or the owner or operator of the on-premise use, if different from the property owner, to provide the support facilities required by this section.
5. The following standards shall be applied in granting a special use permit for a outdoor retail vending facility:
 - a. Distance from Public Right-of-Way. No outdoor retail vending facility shall be located less than 30 feet from any public right-of-way.
 - b. Distance from Interstate Ramps. No outdoor retail or vending facility shall be located less than 100 feet from a expressway, freeway or interstate highway on or off ramp.

- c. Distance from Intersections. No outdoor retail or vending facilities shall locate less than 30 feet from any public street intersection.
- d. Distance from Residences. No outdoor retail or vending facilities shall locate less than 100 feet from a residential district.
- e. Parking. Vending facilities shall not be located in or obstruct parking spaces, required by this article for the operation of any other concurrent use. Vending facility shall provide a minimum of three parking spaces or the greater of the number of spaces required for parking at a ratio of one space for every 300 square feet of space occupied by outdoor retail display and vending areas.
- f. Advertising Devices. Advertising used in conjunction with any outdoor retail vending facility shall be limited to one attached sign affixed to the exterior of the vending facility and shall be limited to a maximum of 35 square feet and ten feet in height. No advertising device shall be permitted to omit or broadcast any sound, noise or outcry.
- g. Conditions. A vendor shall attend the vending facility at all times. The vendor shall maintain the area around the vending facility in a clean and orderly fashion. Each outdoor retail vending facility shall display in a manner legible and visible to its clientele, the name and phone number of the vendor operating the facility, the special use permit and the use and occupancy certificate issued to the vendor.

K. Self-Storage Facility

1. General

- a. The self-storage facility shall be located on a site not less than 0.75 acres or more than four acres in size.
- b. No electrical power supply shall be accessible to the renter/lessee of the storage unit with the exception of lighting fixtures and climate controls.
- c. The following activities shall be prohibited on the premises:
 - 1) Commercial, wholesale or retail sales, flea markets or peddling, or miscellaneous or garage sales. However, once a month, the management of the self-storage mini-warehouse complex may conduct a one-day auction or sale of abandoned or stored materials to settle unpaid storage bills in accordance with State of Tennessee regulations.
 - 2) Servicing, repair, or fabrication or motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment.
 - 3) Operation of a transfer-and-storage business.
 - 4) Operation of power tools, spray painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment except when needed for maintenance of the use.
 - 5) Any activity that is noxious or offensive because of odors, dust, noise, fumes, or vibrations.
 - 6) Storage of hazardous chemicals, flammable liquids, or combustible and explosive materials.
 - 7) Habitation of storage units by humans or animals.

2. Warehouse, Self-service, Mini-storage

- a. All storage shall be contained within a fully-enclosed building. However, the storage of boats, RV's or other similar vehicles may be permitted in accordance with 7.6, Outdoor Storage and Display.
- b. A 100% opaque eight-foot high visual barrier or screen shall be provided around the perimeter of the property. A Class C buffer (see 7.4.5) shall be established along any side of the property adjacent to a residential use.
- c. Where the end wall of the self-storage facility is visible from a public right-of-way, the wall shall be buffered by a hedge that has a mature height of at least four feet.

3. Warehouse, Self-Service, Indoor Multi-story

All warehouse storage on the property shall be in a minimum two-story, single-enclosed building. All storage units shall be accessed internally. External doors to individual units shall not be permitted. One consolidated loading area is permitted to the rear or side of the building. All storage of boats, RV's or other similar vehicles shall be in the single-enclosed building.

L. Vehicle Sales and Service**1. General Provisions**

- a. A Class C buffer (see 7.4.5) shall be established along any side of the property adjacent to a residential use, provided such barrier or screen shall not restrict clear sight at any intersection or driveway.
- b. The outdoor overnight storage of vehicles may be permitted in accordance with 7.6, Outdoor Storage and Display. Operable vehicles may be parked on-site during business hours. All vehicle parking shall be accomplished on the site, and in no case shall a parked vehicle encroach into the right-of-way.
- c. There shall be no dismantling of vehicles for salvage.
- d. The storage of impounded vehicles shall not be permitted.

2. CMU-1, CBD, Any Designated Frontage (Pedestrian, Urban, General, Commercial)

- a. The sales and leasing of motor vehicles for display shall be conducted within a fully-enclosed building. The outdoor display and storage of vehicles for sale or rental or shall not be permitted.
- b. All repair or service operations shall be conducted entirely within a fully-enclosed building. The term fully-enclosed building shall not be construed to limit open bay doors during hours of operation. Service and repair activity may be conducted outside to the rear the building provided activity shall be fully screened from view from adjacent property and public right-of-way.
- c. A maximum of two service bay doors no more than 24 feet in width each shall be permitted. No more than one bay door shall be permitted on each side of the building.

2.7.4 Industrial Use Standards**A. Waste-Related Services**

Based upon the hazardous nature of material or substances to be treated, disposed, stored or recycled on the site, the Land Use Control Board and governing bodies shall consider and may condition or delete, particular material and substances based upon:

1. The site's location to public or quasi-public facilities where considerable public assembly is anticipated including, but not limited to, schools, hospitals, parks and institutions;
2. The site's location to existing or expected employment intensities;
3. The site's location zoned and/or developed residential properties, and existing or proposed population densities;
4. The site's location to major transportation arteries and routing of truck traffic and its proximity to other modes of transportation.
5. The adequacy of sewage treatment facilities to accommodate waste matter; and
6. The site's location to any floodway and/or floodplain, and the potential contamination of surface or subsurface ground water.

B. Landfill**1. Application**

The application for a special use permit approval (see also 10.6) shall show the following:

- a. Contours of not less than two foot intervals (except on extremely steep slopes).
- b. The existing surface of the site and the surrounding properties within 50 feet from its boundaries.
- c. The ultimate depth elevations of the area to be excavated or filled.
- d. The ultimate finished surface of the site after all excavation and filling operations are completed.
- e. Cross sections at critical points to illustrate the methods to be employed in the process of excavation and fill.
- f. Locations where excavation and filling operations will commence and the procedural sequence of operations.
- g. Methods to be employed for surface drainage during and after completion of operations.
- h. The volumes of materials to be excavated and filled on the site where operations are to take place and expected duration of landfill operations.

- i. Improvements such as new roads and pavements to be installed on and off the site to enable the operation to be carried out.
- j. A statement setting forth the type, location and conditions of such landfill operations including a hydro-geologic evaluation shall be submitted for review. The governing bodies shall require a written assessment of specific environmental issues regarding the proposed landfill operation.

2. General Provisions

- a. Landfill excavation or filling should not be located within the approach zones of any airport.
- b. Landfill excavation or filling shall not be located within a minimum of 500 feet of any building used for residential purposes unless the owner of such property agrees in writing, in which case such operations may be closer to such property provided that in no case shall an excavation be made within 100 feet of the lot line of any other property. Such notarized written agreement shall be submitted with the application for a special permit. It is further provided that such distance restrictions shall also not apply to residential buildings for which construction was begun after the submission to the Tennessee Department of Health and Environment of a written request by the applicant for preliminary hydrogeologic evaluation of the landfill site.
- c. No fill shall be located within the 100 year floodplain and no excavation except as expressly authorized by the appropriate legislative bodies shall be located within the 100 year floodplain.
- d. No excavation or filling shall be made within 100 feet of any boundary of the site or within 100 feet of any street right-of-way.
- e. The finished grade of side slopes of excavation and fills shall not exceed one foot vertical to two feet horizontal and shall be blended into undisturbed existing surfaces.
- f. A landscape screen including a chain link, woven wire or similar secure fence shall be installed and maintained around the perimeter of the site. Gates of the same construction as the fence shall be provided, shall remain locked at all times when active operations are not taking place and shall be properly maintained until all operations are completed.
- g. Provisions shall be made for the proper drainage of stormwater falling on or crossing the site at all times during and after completion of the operations. The operations shall not obstruct the normal flow of any public drain, or abrogate the riparian rights of any other party to a stream or drain.
- h. The depth of excavation and the materials to be used for fill shall not have any adverse effect on the supply, quality or purity of ground water or wells.
- i. A layer of clean earth at least two feet thick shall be deposited and thoroughly compacted over all final fill to bring the surface to the finished surface grade as shown on the topographic plan filed with the application. The final fill and finished grade shall be stabilized, seeded and sodded or appropriately planted after completion and closure of each stage of landfill operations.
- j. The installation of roads, parking areas, buildings, structures and operational facilities and equipment shall be located on the site so that adjoining properties will not be adversely effected.
- k. The operation shall be conducted so as not to create a nuisance or cause undue noise, vibration, dust, odor or incandescence to adjacent properties. The premises shall be kept in a neat and clean condition at all times. No loose paper or debris shall be allowed on the site except on areas where active filling operations are taking place. Dusty conditions shall be corrected by sprinkling with water or by use of calcium chloride or some other approved method. No fires shall be permitted. Any smoldering flame or spontaneous combustion shall be immediately extinguished.
- l. Except for protective fences, no building or structure, other than a scale and entry gatehouse erected in connection with the operation, shall be located in any required yard or closer than 100 feet from any property line.
- m. The site for the landfill shall be a minimum of 100 acres of land that would be approved by all regulatory agencies.
- n. The application shall be accompanied by an affidavit by the applicant that the proposed landfill operation will comply with all local, state and federal laws of regulations applicable to such landfilling operations and that all required permits and approval have been or will be secured. Furthermore, in any case in which these rules are in conflict with state or federal law or regulation, the more stringent rule, law or regulation, shall take precedence.

- o. The landfill site shall not obstruct the development of any major or collector streets proposed in the MPO Long Range Transportation Plan.
 - p. The landfill site shall have direct access to a major or collector street. Access to the site should be located so as to require a minimum of travel on a public way.
 - q. All materials delivered to the site shall be deposited and thoroughly compacted in accordance with the rules and regulations of the Tennessee Department of Health and Environment, Division of Solid Waste Disposal. Materials not permitted in landfills by state regulations shall not be permitted as fill material. Each day's deposit, after compaction, shall be covered with a layer of earth at least six inches in thickness after compaction. The face of the fill as well as the horizontal surface shall be covered with a layer of earth to prevent any movement of fill by wind or water erosion.
 - r. Separation of materials or storage for the salvage thereof on the site shall be conducted within an enclosed building. All unacceptable fill material shall be removed from the premises immediately after delivery.
 - s. Water lines shall be installed, connected to a public water supply, or to some other source which by use of pumps will provide water in sufficient quantity to combat fires or settle dust.
 - t. The days and hours of landfill operations are subject to the approval of the legislative body.
 - u. Any other conditions or standards as the legislative bodies may deem reasonable and appropriate to prevent or minimize any adverse effect of such landfill operation.
3. Prior to the commencement of landfill operations, the applicant for the special use permit shall submit to the building official a primary reclamation performance bond in the amount of \$3,500 per acre for each acre to be excavated, less the amount of bond held by the state, increasing \$100 per acre per year from the date of adoption of this Article, for landfill operations to insure that the land shall be restored, regraded and resloped as provided in this section when such operations cease. Said bond shall not be released until the work it secures is completed or a substitute serial bond is received by the appropriate government official which shall secure all remaining work under the original bond and all bonds submitted pursuant to this section and shall so state. Such primary reclamation performance bond may be on a serialized basis in five year increments. Such primary reclamation performance bond shall be released after primary reclamation activities are complete and the condition, grade and drainage of the land are approved in writing by the Building Official and City or County Engineer provided, however, that a proportionate release of not to exceed 60% of said primary reclamation bond may be authorized by the Building Official and City or County Engineer for phased or partial reclamation.
4. A final reclamation performance bond in an amount not less than 40% of the primary reclamation performance bond on deposit at the time of closure shall be submitted to the Building Official and retained for a period of five years after release of the primary reclamation bond to ensure restoration of reclaimed areas affected by settling and subsidence of filled land. Such final reclamation performance bond shall be released at the end of said five year period and after final reclamation activities are completed and the condition, grade, and drainage of the land are approved in writing by the Building Official and the City or County Engineer.

2.7.5 Open Use Standards

A. Sale of Agricultural Products, Outdoors

See 2.9.2A.

B. Resource Extraction

See 8.5.

C. Dredging, Earth Extraction, Clearing or Grading (Timber Cutting)

See 8.6.

2.8 ACCESSORY STRUCTURES AND USES

2.8.1 General

Accessory structures and uses shall be consistent with all standards in the district for the principal use, except as expressly set forth below.

- A. Accessory structures and uses shall be accessory and clearly incidental and subordinate to a permitted principal uses. No accessory use may be established on a site prior to the establishment of a permitted principal use (for permitted accessory uses associated with a principal see 2.10, Use Categories).
- B. Accessory structures and uses shall be located on the same lot as the permitted use or structure, or on a contiguous lot in the same ownership.
- C. Accessory structures and uses shall not involve operations or structures not in keeping with the character of the primary use or principal structure served.
- D. Accessory structures and uses shall not be of a nature likely to attract visitors in larger numbers than would normally be expected, where applicable.
- E. An accessory use shall contribute to the comfort, convenience or necessity of occupants of the primary use served.
- F. An accessory use shall be located within the same district as the principal use.
- G. Tractor trailers are prohibited as storage buildings or structures except as permitted on an active construction site.

2.8.2 Accessory Structures

Accessory structures, not including accessory dwelling units (see 2.8.3) shall be subject to the following requirements:

A. Setbacks

1. No accessory structure shall be located closer than ten feet to any other building or manufactured home.
2. No accessory structure shall extend past the front building line of the principal structure.
3. No accessory structure may extend within three feet of any lot line in a residential district, and within ten feet in all other districts.
4. A rear-loaded detached garage shall be located a maximum of five feet from the right-of way of a rear alley or rear service drive.

B. Height

The height of an accessory structure shall not exceed the height of the principal structure.

C. Number

1. No more than one accessory structure shall be permitted on the same lot as any primary structure in a residential district , and no more than two accessory structures shall be permitted on the same lot as any primary structure in all other districts.
2. In the C-A District, there is no limit on the number of accessory structures.

D. Size

1. An accessory garden shed shall not exceed 120 square feet in size. There is no limit on the size of an accessory garden shed in the C-A District. In no case shall a roofed accessory structures exceed the maximum building coverage for the applicable district (see Article 3, Building Envelope Standards).
2. A detached residential garage shall not exceed 750 square feet in size, except in the R-E District. Additional size may be permitted by the Land Use Control Board through the special exception (see 10.13).

2.8.3 Accessory Dwelling Units

A. Applicability

1. One accessory dwelling unit shall be permitted as a special use by the governing bodies (see 10.6) on an existing residential legal lot of record subject to their approval and the following requirements.
2. One accessory dwelling unit shall be permitted subject to the following requirements.

B. Standards

1. The living area of the accessory dwelling unit shall not exceed the living area of the principal structure. In no case shall the total floor area of the accessory dwelling unit exceed 600 square feet.
2. The accessory dwelling unit shall not have a separate electrical meter.
3. The owner of the property shall occupy either the primary structure or the accessory dwelling.
4. The principal dwelling and accessory dwelling unit together shall not exceed the maximum building coverage for the district (see Article 3, Building Envelope Standards).
5. All principal structure setbacks and yard requirements shall be met.
6. One additional parking space on the same premises shall be required for the accessory dwelling unit.
7. An accessory dwelling shall either be located within the principal structure; or meet the following standards:
 - a. The accessory dwelling shall be located on the same lot as the principal structure.
 - b. The accessory dwelling shall be separated by at least ten feet from the principal structure.
 - c. The accessory dwelling shall be located in the rear or side yard of the principal structure. The rear and side setback shall be equal to those of all accessory structures.
 - d. Total building coverage shall not exceed that permitted in the district.
 - e. The height of a principal structure shall not be exceeded by any accessory dwelling.
 - f. The accessory dwelling unit shall be architecturally consistent with the principal structure.

2.8.4 Home Occupations**A. Prohibited Home Occupations**

The following uses are not permitted as home occupations.

1. Group instruction.
2. Vehicle and/or body and fender repair.
3. Small engine repair.
4. Outdoor repair or fabrication.
5. Commercial nursery or truck farming.
6. Food handling, processing or packing, other than services that utilize standard home kitchen equipment.
7. Medical or dental lab.
8. Restaurant.
9. Sale or repair of firearms.
10. Bulk storage of flammable liquids.
11. Funeral homes and mortuaries.
12. Animal hospitals and kennels.
13. Day care center.
14. Adult entertainment.

B. Standards

The intent of a home occupation is to permit very limited nonresidential activity in a residential dwelling, provided such activity does not impact or detract from the residential character of the neighborhood. A home occupation shall be deemed an accessory use and no further approval shall be required, provided the nonresidential use meets the following.

1. The use of the dwelling unit for home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and shall under no circumstances change the residential character of the structure.
2. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of a home occupation.
3. No business, storage or warehousing of material, supplies or equipment shall be permitted outside of the primary dwelling unit.
4. No equipment or process shall be used that creates excessive noise, vibration, glare, fumes, odors, or electrical interference.

5. No display of products shall be visible from the street.
6. A home occupation shall be subject to all applicable licenses and business taxes.
7. No persons other than members of the family residing on the premises shall be engaged in the home occupation.
8. Storage space and the operation of the business inside the dwelling unit shall not exceed 25% of the first floor area of the residence.
9. Customers and employees coming to the residence to conduct business shall not be permitted.
10. No signage specifically associated with the home occupation shall be permitted.

2.8.5 Accessory Uses for Places of Worship

Accessory uses are permitted for a place of worship in accordance with the following standards.

- A. The following facilities may be considered accessory to a place of worship. Additional buffering may be required through the review and approval of a site plan to address the intensity of the proposed place of worship and the proposed accessory uses.
 1. Offices for the place of worship;
 2. Rooms for religious instruction or counseling;
 3. Meeting rooms for intermittent community meetings or instruction;
 4. Fellowship hall;
 5. Kitchen facilities;
 6. Senior center, neighborhood arts center or other community center;
 7. Temporary child and adult care during religious services or events;
 8. Outdoor play area;
 9. Columbarium;
 10. Recording studio.
 11. "Meals on Wheels" or other similar programs using the kitchen in the place of worship but delivering food elsewhere; and
 12. Residence for employees by the place of worship (see paragraph D below).
- B. A gymnasium or similar indoor recreational facility is permitted provided that the minimum tract size of the place of worship shall not be less than ten acres.
- C. A cemetery is permitted provided that the minimum tract size of the place of worship shall not be less than five acres, and shall be subject to 2.7.2C.
- D. Overnight accommodations for visitors and non-paying guests employed by the place of worship are permitted provided that the minimum tract size of the place of worship shall not be less than five acres.
- E. A day care center in a place of worship is permitted if the minimum tract size of the place of worship site, including the day care center, shall not be less than two acres, and shall be subject to 2.7.2B.
- F. The following uses are permitted only as additional principal uses, subject to the requirements of 2.6, Permitted Uses and any associated use standard (see 2.7).
 1. Dormitory, monastery, convent.
 2. Schools.
 3. Soup kitchens or other social service facilities.
 4. Athletic field or similar facility.

2.8.6 Swimming Pools

A swimming pool or the entire property on which it is located, shall be walled or fenced to prevent uncontrolled access to such swimming pool from the street or from adjacent properties. Such swimming pool shall not be located in any required front or side yard and shall not be closer than five feet to the any property line. All in-ground pools shall have at least a three foot wide deck area around the pool and a patio or other similar facilities can be used to meet this requirement.

2.8.7 Vehicle Repair

Up to two vehicles may be repaired simultaneously on a residential property if the vehicles are registered to an occupant of the residence.

2.8.8 Vehicle Sales

Vehicle sales shall be prohibited within a residential district or on property devoted to residential use, except that the sale of a private vehicle registered to the occupant of the residence shall be allowed. No more than one such vehicle shall be displayed at a time.

2.8.9 CMCS Towers and Facilities

CMCS antennas and related equipment may be permitted on any existing or approved structure except on single family residential structures as accessory to the principal structure or use. They shall not exceed the height required to accomplish their intended function, but in no circumstances can they extend more than 20 feet above the height of the supporting structure upon which the antenna is attached or affixed. In addition, the antennae and equipment are required to be finished to be as closely compatible as reasonable with the color of the supporting structure upon which the antenna is attached or affixed, and in such a manner to make the antenna as visually unobtrusive as possible.

2.8.10 Boats, Recreation Vehicles in Residential Districts

- A. Outdoor storage of no more than one accessory boat and trailer and no more than one accessory camping trailer or recreational vehicle per dwelling unit; provided no part of such storage area shall be located in the front or side yard and provided such boat and camping trailer or vehicle shall not be used for living, sleeping or housekeeping purposes.
- B. Multifamily uses may designate a specific area on a site plan for boat and trailer parking for residents of the development.
- C. The parking of heavy equipment or tractor trailers shall not be allowed. This requirement shall not prohibit commercial vehicles from making deliveries in a residential district.

2.9 TEMPORARY USES

2.9.1 General Provisions

Certain uses are temporary in character. They vary in type and degree, as well as length of time involved. Such uses may have little impact on surrounding and nearby properties or they may present questions involving potential incompatibility of the temporary use with existing uses. Unless otherwise specified in this development code, the following regulations shall govern temporary uses (see also 10.14, Temporary Us Permit).

2.9.2 Temporary Uses Exempt from Permit

The following permitted temporary uses are exempt from these requirements.

A. Outdoor Sales of Agriculture Products

1. The outdoor sales of agricultural products shall conform to the location for outdoor retail sales as set forth in 2.7.3J except the Building Official may waive the requirement for an on-premise host and approve a use meeting the definition of Agricultural Products, Seasonal Outdoor Sales of Pumpkins and Christmas Trees without an on premise host if the needed support facilities are provided on the site including restrooms, trash receptacles, parking and access.
2. The Building Official shall not approve Agricultural Products, Seasonal Outdoor Sales of Pumpkins and Christmas Trees unless the site conforms to the location, parking, and sign requirements for granting a special use permit for an outdoor retail vending facility including (a) Distance from public right-of-way, (b) Distance from interstate ramps, (c) Distance from intersections, (d) Distance from residences , (e) Parking and (f) Advertising devices.
3. If the Building Official does not approve a proposed site for Agricultural Products, Seasonal Outdoor Sales of Pumpkins and Christmas Trees, approval will require a special use permit.

B. Garage or Yard Sales

Private sales are limited to two sales per dwelling unit each calendar year and the length of each permitted sale shall not exceed three consecutive days, except that the Building Official shall permit a third sale in any calendar year upon submission of sufficient proof a chance in ownership of the residential premises on which the sale is to be conducted.

C. Storage PODS

1. One storage pod for off-site storage of household or other goods located in any yard is permitted for a maximum of 30 consecutive days.
2. The storage pod shall placed completely on-site (and is not permitted to placed in any type of public right-of-way).
3. The storage POD shall be placed on a paved surface.

D. Construction Dumpsters

One construction dumpster is permitted on on-site in association with a valid building permit. The use of such a dumpster shall be strictly limited to the time actively underway. In no event shall the use of dumpster continue past expiration of the building permit.

2.9.3 Temporary Use Permit Required

The following temporary uses are allowed subject to approval of a temporary use permit (see 10.14) in the frequency stated below except that no property shall have more than four of the events listed below in one calendar year.

Commentary: For example, a temporary use permit for a carnival would be counted in considering whether to issue a temporary use permit for a special event.

A. Commercial Circuses, Carnivals or Fairs

Commercial circuses, carnivals or fairs, for not more than two consecutive weeks in any calendar year.

B. Temporary Religious or Revival Activities

Temporary religious or revival activities in tents in association with a place of worship, for not more than two consecutive weeks in any calendar year.

C. Special Events

Special events occurring no longer than seven consecutive days once every three months.

D. Tent Sales

Tent sales by merchants occupying the premises on which the sale is conducted and having a valid certificate of occupancy, and occurring no longer than seven consecutive days once every six months.

E. Grand Opening Sales

Grand opening sales, including outside food and beverage vending, for three consecutive days, once per certificate of occupancy.

F. Outdoor Vehicle Show or Sale

Outdoor motor vehicle or recreational vehicle show or sale, for three consecutive days, twice per calendar year.

G. Other Temporary Uses

Other temporary uses similar in nature to the ones listed above, with corresponding limitations, as determined by the Building Official.

H. Approval Criteria

No temporary use permit shall be granted until, to the satisfaction of the Building Official, the following requirements have been met.

1. No lighting or electrical service shall be provided without an electrical permit;
2. No temporary use structure shall be erected without a building permit;
3. No temporary use structure shall block fire lanes or pedestrian or vehicular access;
4. The site of the temporary use shall be cleared of all debris at the end of the temporary use. All temporary structures shall be cleared from the site within five days after the use is terminated;
5. Written permission of the property owner for the temporary use shall be provided;
6. Adequate parking shall be provided;
7. Required parking for other uses shall remain available;
8. Evidence that adequate traffic control measures shall be provided;
9. Evidence that adequate provisions for trash disposal and sanitary facilities shall be provided; and
10. When appropriate, adequate provisions for crowd control shall be provided.

2.9.4 Temporary Outdoor Display of Merchandise

Commentary: *The temporary outdoor display of merchandise should not be confused with the permanent outdoor display of merchandise (see 7.6, Outdoor Storage and Display).*

- A. Outdoor display of merchandise in nonresidential districts by merchants occupying the premises and having a valid certificate of occupancy, occurring no longer than nine consecutive days up to four times per year, is allowed subject to issuance of a temporary use permit and all of the following conditions.
 - 1. Merchandise shall only be displayed in front of the premises occupied by the merchant.
 - 2. Merchandise shall not be displayed closer than five feet to any entrance to the premises.
 - 3. Merchandise shall only be displayed in a manner that does not obstruct pedestrian or vehicular circulation or traffic.
 - 4. The display of merchandise shall not exceed eight feet in height.
 - 5. Merchandise shall only be displayed during the merchant's hours of operation, and must be taken inside the premises at closing.
 - 6. Merchandise shall only be displayed in an area not wider than 50% of the total linear frontage of the building occupied by the merchant.
 - 7. The required temporary use permit must be visibly displayed at the main entrance of the associated merchant.
 - 8. A violation of any conditions set out in this Chapter shall constitute a violation of the temporary use permit and cause said temporary use permit to be revoked. Once revoked, a temporary use permit shall not be issued for the same temporary use for a period of one year.
- B. Any temporary use permit issued under paragraphs 2.9.3A through 2.9.3G above shall be counted in the maximum number of temporary use permits allowed for the temporary outdoor display of merchandise.
- C. The requirements of this Chapter do not supersede the permanent outdoor storage or display requirements of 7.6, Outdoor Storage and Display.

2.9.5 Manufactured Home or Trailer for Temporary Use

After approval by the Building Official, a manufactured home or trailer may be used as a temporary office, security shelter, or shelter for materials or tools (but not for residential purposes or sales offices) incident to construction on or development of the premises upon which the manufactured home or trailer is located. Such use shall be strictly limited to the time construction or development is actively underway. In no event shall the use continue more than six months without the further approval of the Planning Director. The temporary use shall be approved only upon finding that actual construction is continuing.

2.9.6 Temporary Use in Conjunction with Special Event Permit

Where a valid permit has been issued by the City or County for use of adjacent right-of-way that makes the street unavailable to vehicular traffic, a temporary use permit may be issued in accordance for events on the grounds or in the parking lot of any adjacent lot, site or tract during the period of the special event permit.

2.9.7 Real Estate Development Projects

- A. A developer may request a temporary use permit for necessary commercial promotional, storage, or fabrication activities at the development site that occur during construction of that developer's project.
- B. When the request is for a temporary sales office, model home, or apartment, the application shall list the lots, apartment units, or dwelling units to be initially sold.
- C. The temporary use permit shall be restricted to only those activities and properties listed on the petition. Such activities shall not include any sale of properties outside the development site or any resale of properties.
- D. The following uses in connection with such a project require a temporary use permit:
 - 1. Offices for sale of real estate or for persons engaged in the development
 - 2. Construction materials storage, general contractor's business office, processing, or fabrication.
 - 3. Equipment storage.
 - 4. Model homes or sample apartments.

2.10 USE CATEGORIES

2.10.1 General

The following use categories are not zoning districts. These categories group uses for regulatory purposes. A use listed below is only permitted in accordance with 2.6, Permitted Uses.

A. Basis for Classifications

Use categories classify land uses and activities based on common functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, likely impact on surrounding properties, and site conditions. Use categories provide a systematic basis for assigning land uses to appropriate zoning districts.

B. Approach to Categorizing Uses

A list of use categories are set forth in 2.10.2 through 2.10.6.

1. Principal Uses

The “Principal Uses” portion of each use category lists principal uses common to that use category. The names of these sample uses are generic and are based on common meanings, not on what a specific use may call itself.

Commentary. A use that calls itself “Wholesale Warehouse,” but sells mostly to retail consumers, is included in the Retail Sales and Service category rather than the Wholesale Trade category.

2. Accessory Uses

Accessory uses are allowed by right in conjunction with a principal use as set forth in 2.10.2 through 2.10.6 subject to the provisions of 2.8, Accessory Structures and Uses. No accessory use may be established on a site prior to the establishment of a permitted principal use.

2.10.2 Residential Use Categories

A. Household Living

Residential occupancy of a dwelling unit by a household on a month-to-month or longer basis in structures with self-contained dwelling units, including kitchens.

Principal Uses	Accessory Uses
Single-Family Detached Conventional Side Yard House Bungalow/Cottage	Accessory dwelling unit (see 2.8.3) Dish antenna under 1 meter Home occupation (see 2.8.4) Private community center Detached garage, barbecue pit, carport, tool or garden shed, storage unit, swimming pool Residential leasing office
Single-Family Attached Semi-attached Two-Family	
Multifamily Townhouse Large Home Stacked Townhouse Apartment	
Upper Story Residential Live-Work Manufactured Home (Type A), modular Manufactured Home (Type B) Manufactured Home Park	

B. Group Living

Residential occupancy of a structure by a group of people that does not meet the definition of Household Living. Tenancy is usually arranged on a monthly or longer basis. Generally, Group Living structures have a common eating area for residents, and the residents may receive care or training.

Principal Uses	Accessory Uses
Boarding House, rooming house, single room occupancy Fraternity, sorority, dormitory Monastery, convent Nursing home, full-time convalescent, hospice Personal care home for the elderly Residential home for the elderly, Assisted living facility Supportive living facility	Associated office Food preparation or dining area Recreational facility

2.10.3 Civic Use Categories

A. Community Service

Uses of a public, nonprofit, or charitable nature providing ongoing public safety, educational, training, or counseling to the general public on a regular basis, without a residential component.

Principal Uses	Accessory Uses
Museum, library Neighborhood arts center or similar community facility (public) Philanthropic institution Police, fire, EMS substation	Associated office Food preparation or dining area Arts and crafts, day care, therapy area Indoor or outdoor recreation and athletic facility Limited retail sales (internal) Meeting area

B. Day Care

Uses providing care, protection, and supervision of children or adults on a regular basis away from their primary residence. Care is typically provided to a given individual for fewer than 18 hours each day, although the facility may be open 24 hours each day.

Principal Uses	Accessory Uses
Adult day-care program Day care center (13+ persons) Drop-in child care center (15+ persons) Family day care home (5 to 7 persons) Group day care home (8 to 12 persons) Nursery school, preschool	Associated office Food preparation or dining area Health, arts and crafts, and therapy area Indoor or outdoor recreation facility

C. Educational Facility

Public and private (including charter or religious) schools at the primary, elementary, middle, junior high, or high school level that provide basic academic education. Also includes colleges and other institutions of higher learning that offer courses of general or specialized study leading to a degree usually in a campus setting.

Principal Uses	Accessory Uses
Academy (special training) College, community college, university Seminary School, public or private (K-12) School, trade, vocational, business	Associated office Auditorium, theater Before- and after-school day care Dormitory, housing for students or faculty Food preparation or dining area Health facility Laboratory, library, museum Janitorial facility Meeting area Play area, recreational or sports facility Support commercial (college-operated bookstore, for example)

D. Medical Facility

Uses providing medical or surgical care to patients. Some uses may offer overnight care.

Principal Uses	Accessory Uses
Blood plasma donation center, medical or dental laboratory Hospital Medical, dental office or chiropractor	Associated helicopter landing facility Associated office Chapel, ancillary worship space On-site day care where children are cared for while parents or guardians are occupied on the premises Food preparation or dining area Housing for staff or trainees Limited retail sales (internal) Janitorial facility Meeting area Nursing or medical school Pharmacy Recreational facility Teaching facility Temporary housing for relatives of patients

E. Park/Open Area

Uses focusing on natural areas consisting mostly of vegetation, passive or active outdoor recreation areas, or community gardens, and having few structures.

Principal Uses	Accessory Uses
Botanical garden, nature preserve, recreational trail Cemetery, mausoleum, columbarium, memorial park including pet cemetery, burial grounds Game preserve, wildlife management area, refuge, animal sanctuary Park, dog park Recreation Field Reservoir, control structure, drainage well, water supply water well	Campground (public park only) Concession Maintenance facility Play equipment Single residential unit for caretaker or security purposes Swimming pool, tennis court, ballfield (public park only)

F. Passenger Terminal

Public or commercial facilities for the takeoff and landing of airplanes and helicopters, and terminals for taxi, rail or bus service.

Principal Uses	Accessory Uses
Airport, heliport Airline terminal Bus passenger terminal, taxi dispatch center, train passenger terminal, limousine service Multimodal facility	Associated office Concession Food preparation or dining area Freight handling area Fueling facility Janitorial facility Limited retail sales (internal) Maintenance facility Park-and-ride facility

G. Place of Worship

Places of assembly that provide meeting areas for religious practice.

Principal Uses	Accessory Uses
Church, mosque, synagogue, temple	See 2.8.5.

H. Social Service Institution

Uses that primarily provide treatment of those with psychiatric, alcohol, or drug problems, and transient housing related to social service programs.

Principal Uses	Accessory Uses
Group shelter Neighborhood resource center Rehabilitative clinic Social service facility, soup kitchen, transient lodging or shelter for the homeless Transitional home	Adult educational facility Associated office Food preparation or dining area Meeting room On-site day care where children are cared for while parents or guardians are occupied on the premises Staff residences located on-site

I. Utilities

Public or private infrastructure serving a limited area with no on-site personnel (Minor Utility) or the general community and possibly having on-site personnel (Major Utility).

Principal Uses	Accessory Uses
Minor utilities, including on-site stormwater retention or detention facility, neighborhood-serving telephone exchange/switching center, gas or electric installation/transmission, water and wastewater pump station or lift station, gas gates Major utilities, including aeration facility, electrical substation, electric or gas generation plant, filter bed, railroad right-of-way (new), transmission tower, waste treatment plant, water pumping facility, water tower or tank Communication towers (65 feet or less) Communication towers (over 65 feet) CMCS tower and facilities	Control, monitoring, data or transmission equipment Storage

2.10.4 Commercial Use Categories

A. Indoor Recreation

Generally commercial uses, varying in size, providing daily or regularly scheduled recreation-oriented activities in an indoor setting.

Principal Uses	Accessory Uses
Adult entertainment Athletic, tennis, swim or health club Bar, tavern, cocktail lounge, nightclub Convention center Gymnastic facility, indoor sports academy Lodge, membership club Indoor entertainment activity such as pool hall, bowling alley, game arcade Indoor shooting range Movie or other theater	Associated office Concession Food preparation or dining area Off-street parking Pro shop or sales of goods related to the on-site activities of the specific use

B. Office

Activities conducted in an office setting and generally focusing on business, government, professional, medical or financial services.

Principal Uses	Accessory Uses
Offices including advertising, business management consulting, data processing, collection agency, real estate or insurance agent, professional service such as lawyer, accountant, bookkeeper, engineer, architect, sales office, travel agency Financial services such as lender, investment or brokerage house, Call center Counseling in an office setting Government office Radio, TV or recording studio Utility office	Ancillary storage Food preparation or dining area Health facility Janitorial facility Meeting room On-site day care where children are cared for while parents or guardians are occupied on the premises Other amenity for the use of on-site employees Limited retail sales (internal) Technical library

C. Overnight Lodging

Accommodations arranged for short term stays of less than 30 days for rent or lease.

Principal Uses	Accessory Uses
Hotel, motel, inn, extended-stay facility, bed and breakfast, youth hostel	Associated office Bar, tavern, cocktail Lounge, nightclub, restaurant with entertainment Food preparation or dining area Laundry facility Meeting facility Restaurant Swimming pool, other creational facility

D. Outdoor Recreation

Generally commercial uses, varying in size, providing daily or regularly scheduled recreation-oriented activities. Such activities may take place wholly outdoors or within a number of outdoor structures.

Principal Uses	Accessory Uses
Drive-in theater Campground, travel trailer park, recreational vehicle park Executive par three golf course Extreme sports such as paintball, BMX facility or skateboarding facility Golf course, country club, clubhouse Outdoor entertainment activity such as batting cage, golf driving range, mini-amusement park, miniature golf facility, water park Horse stable, riding academy, equestrian center Outdoor shooting range Sports academy for active recreational or competitive sports Stadium or arena, commercial amphitheater	Associated office Caretaker or security person housing Classroom Clubhouse Concession Food preparation or dining area Jogging, hiking, fitness and other types of trails Limited retail sales (internal) Maintenance facility On-site day care where children are cared for while parents or guardians are occupied on the premises Pro shop or sales of goods related to the on-site activities of the specific use

E. Outdoor Advertising Sign

Any permanent off-premise outdoor advertising sign.

Principal Uses	Accessory Uses
Permanent Off-Premise Advertising Sign	

F. Parking, Commercial

Facilities that provide parking not accessory to a principal use, for which a fee may or may not be charged.

Principal Uses	Accessory Uses
Mixed parking lot (partially accessory to a principal use, partly to rent for others), short- and long-term fee parking facility Park-and-ride facility Motor Vehicle Parking Lot Surface parking lot	Structure intended to shield parking attendants from the weather

G. Restaurant

Establishments that prepare and sell food for on- or off-premise consumption.

Principal Uses	Accessory Uses
Pizza delivery facility Restaurant, fast-food restaurant, take-out, yogurt or ice cream shop Restaurant with sale of alcoholic beverages, brew pub Restaurant, drive-in	Associated office Deck, patio for outdoor seating or dining Drive-thru facility

H. Retail Sales and Service

Companies or individuals involved in the sale, lease, or rental of new or used products, or providing personal services or repair services to the general public.

Principal Uses	Accessory Uses
<p>Sales-Oriented Store selling, leasing or renting consumer, home, and business goods including but not limited to alcoholic beverages, antiques, appliances, art, art supplies, baked goods, bicycles, books, building supplies, cameras, carpet and floor coverings, crafts, clothing, computers, computer supplies, convenience goods, dry goods, electronic equipment, fabric, flowers, furniture, garden supplies, gifts or novelties, groceries, hardware, home improvement, household products, jewelry, medical supplies, music, musical instruments, pets, pet supplies, pharmaceuticals, photo finishing, picture frames, plants, postal substation, printed materials, produce, souvenirs, sporting goods, stationery, tobacco, used or secondhand goods, videos, and related products Art or photo studio, gallery Convenience store with gas pumps, gas station Convenience store without gas pumps Greenhouse or nursery, commercial, garden center Pawnshop Photo finishing pickup station, photo finishing by computer and retail sales Retail Sales Outdoor (vendor), Flea Market, Farmers Market, Farm Stand, Open Air Market, Vehicle parts and accessories, Wholesale club</p> <p>Service-Oriented Bank, Animal grooming, animal hospital, veterinary clinic, pet clinic, animal boarding, animal shelter, kennel, doggy day care Dance, martial arts, music studio or classroom Catering establishment, small-scale Cleaning establishment, small-scale Dry-cleaning or laundry drop-off facility, laundromat, cleaning, pickup station, coin operated pickup station Funeral home or mortuary, undertaking establishment Hair, nail, tanning, massage therapy and personal care service, barber or beauty shop Photocopy, blueprint, package shipping and quick-sign service, printing and publishing Post office, Security service, Taxidermist Tattoo shop, palmist, psychic, medium, massage parlor Urgent care or emergency medical office</p> <p>Repair-Oriented Appliance, bicycle, canvas product, clock, computer, jewelry, musical instrument, office equipment, radio, shoe, television or watch repair, tailor, milliner, upholsterer Locksmith</p>	<p>Associated office Automatic one bay car wash facility Drive-thru facility Food preparation or dining area On-site day care where children are cared for while parents or guardians are occupied on the premises Repackaging of goods for on-site sale Storage of goods</p>

I. Self-Service Storage

Facilities providing separate storage areas for personal or business use designed to allow private access by the tenant for storing or removing personal property.

Principal Uses	Accessory Uses
Warehouse, self-service, mini-storage Warehouse, self-service, fully enclosed indoor multi-story storage	Associated office Outside storage of boats and campers Caretaker or security person unit

J. Vehicle Sales and Service

Direct sales of and service to passenger vehicles, light and medium trucks, and other consumer motor vehicles such as motorcycles, boats, and recreational vehicles. Uses classified as vehicle service involve services provided while the customer waits, same day pick-up of the vehicle or customers leaving a vehicle on-site for less than 24 consecutive hours.

Principal Uses	Accessory Uses
<p>Vehicle service including audio and alarm system installation, custom accessories (window tint, stripe, luggage rack, molding, bumpers) quick lubrication facilities, battery sales and installation, auto detailing, minor scratch and dent repair, bedliner installation, hand and foot control installation, glass repair/replacement; tire sales and mounting; Full- or self-service vehicle wash</p> <p>Vehicle repair including A/C replacement A/C servicing, alignment shop, auto body shop, auto upholstery shop, repair of cars, trucks, RVs and boats, towing service, repair of brakes/shocks, mufflers, transmissions, engine replacement/overhaul, trucks service exceeds 3/4 ton, truck service tune up</p> <p>Vehicle sales, rental, or leasing including passenger vehicles, motorcycles, trucks, boats, and other recreational vehicles, unattended vehicle sales lot, car rental auto leasing, over the road trailer leasing, auction vehicle, broker vehicle, pawn shop vehicle, manufactured housing sales</p>	<p>Associated office Sale of parts Single-bay, automatic car wash Towing Vehicle fueling Vehicle storage</p>

K. Water-Oriented

Uses that require direct access to navigable waters.

Principal Uses	Accessory Uses
Boat livery Dock or pier (commercial) Dry storage of boats Ferry/water taxi Marina Wet storage of boats (commercial)	Selling, leasing or rental of covered or uncovered boat slips or dock space, dry storage space, boats and boat motors, marine fuel and lubricants, bait and fishing equipment Repair and maintenance of boats and boat motors On-shore restaurants Small boat hauling/launching facility

2.10.5 Industrial Use Categories

A. Wholesale Trade

Firms or individuals involved in the sale, lease, or rent of products to industrial, institutional or commercial businesses only. The uses emphasize on-site sales or order-taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are not permitted. Products may be picked up on-site or delivered to the customer.

Principal Uses	Accessory Uses
Mail-order house Sale or rental of machinery, equipment, heavy equipment, building materials, special trade tools, welding supplies, machine parts, electrical supplies, plumbing supplies, janitorial supplies, restaurant equipment, and store fixtures Wholesale of food, clothing, auto parts, building hardware Wholesale display Wholesale establishment	Associated office Food preparation or dining area Minor fabrication services On-site day care where children are cared for while parents or guardians are occupied on the premises Repackaging of goods Showroom Warehouse

B. Light Industrial

Firms engaged in the manufacturing, assembly, repair or servicing of industrial, business, or consumer machinery, equipment, products, or by-products mainly by providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.

Principal Uses	Accessory Uses
Brewery, winery Bulk mailing service Catering establishment, large-scale Clothing, textile or apparel manufacturing Contractors storage (indoor/outdoor) including janitorial and building maintenance service, exterminator, or other maintenance yard or facility, building, heating, plumbing, landscaping or electrical contractor and others who perform services off-site, but store equipment and materials or perform fabrication or similar work on-site Crematorium, pet crematorium Detention center, jail, prison Food beverage products except animal slaughter, stockyards Lawn, tree or garden service Laundry, dry-cleaning, and carpet cleaning plants, cleaning establishment, large-scale Leather and leather products except tanning and finishing Light manufacturing or assembly of equipment, instruments, or goods including musical instruments, appliances, coated-ware, precision items, sporting goods, office and art supplies, electrical equipment/items, paper products (except pulp mills) printing, publishing, and lithography, production of artwork and toys, sign-making, metal products Lumberyard and wood products Movie production facility Photo-finishing laboratory Repair of scientific or professional instruments, electric motors Research, testing, and development laboratory Sheet metal shop Soft drink bottling Stone, clay, glass, and concrete products Storage area used for manufacturing Welding, machine, tool repair shop Woodworking, including cabinet makers and furniture manufacturing	Accessory medical clinic Associated office Food preparation or dining area On-site day care where children are cared for while parents or guardians are occupied on the premises Employee recreational facility On-site repair facility Residential unit for security purposes (single unit) Retail or wholesale sales of goods manufactured on-site

C. Warehouse and Distribution

Firms involved in the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer with little on-site sales activity to customers.

Principal Uses	Accessory Uses
Bulk storage, including nonflammable liquids, cold storage plants, including frozen food lockers, household moving and general freight storage, separate warehouse used by retail store such as furniture or appliance store Bus barn Central postal facility Commercial packing for fruits and vegetables Drop yard w/ or w/o preventative maintenance service Freight, service facility Outdoor storage yard Post Office and Parcel services Railroad switching yard, freight terminal, piggyback yard Transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred Trailer storage, drop off lot Truck or motor freight terminal, service facility Warehouse	Associated office Food preparation or dining area On-site day care where children are cared for while parents or guardians are occupied on the premises Employee recreational facility Outdoor storage yard Residential unit for security purposes (single unit) Truck fleet parking and maintenance area

D. Heavy Industrial

Firms involved in research and development activities without light fabrication and assembly operations; limited industrial/manufacturing activities. The uses emphasize industrial businesses, and sale of heavier equipment. Factory production and industrial yards are located here. Sales to the general public are limited.

Principal Uses	Accessory Uses
<p>Any use that is potentially dangerous, noxious or offensive to neighboring uses in the district or those who pass on public ways by reason of smoke, odor, noise, glare, fumes, gas, vibration, threat of fire or explosion, emission of particulate matter, interference with radio, television reception, radiation or any other likely cause</p> <p>Asbestos, radio active materials</p> <p>Animal processing, packing, treating, and storage, livestock or poultry slaughtering, concentrate plant, processing of food and related products, production of lumber, tobacco, chemical, rubber, leather, clay, bone, paper, pulp, plastic, stone, or glass materials or products, production or fabrication of metals or metal products including enameling and galvanizing,</p> <p>Automobile dismantlers and recyclers</p> <p>Batch Plant</p> <p>Bulk storage of flammable liquids</p> <p>Chemical, cosmetics, drug, soap, paints, fertilizers and abrasive products</p> <p>Commercial feed lot</p> <p>Concrete batching and asphalt processing and manufacture, batch plant</p> <p>Earth moving and heavy construction equipment and transportation equipment</p> <p>Explosives</p> <p>Fabricated metal products and machinery</p> <p>Impound lot, wrecker service includes city wreckers, auto storage</p> <p>Leather and leather products includes tanning and finishing</p> <p>Petroleum, liquefied petroleum gas and coal products and refining</p> <p>Primary metal manufacturing</p> <p>Pulp mills</p> <p>Rubber and plastic products, rubber manufacturing</p> <p>Scrap metal processors</p> <p>Sawmill, pulp mill</p> <p>Secondary materials dealers</p> <p>Tire recapping</p> <p>Tobacco products</p> <p>Transportation equipment</p> <p>Wrecking, junk or salvage yard</p>	<p>Associated office</p> <p>Food preparation or dining area</p> <p>Product repair</p> <p>Repackaging of goods</p> <p>Warehouse, storage</p> <p>Residential Unit for Security purposes (single unit)</p>

E. Waste-Related Service

Characterized by uses that receive solid or liquid wastes from others for transfer to another location and uses that collect sanitary wastes or that manufacture or produce goods or energy from the composting of organic material.

Principal Uses	Accessory Uses
Animal waste processing Garbage or refuse collection service (office and truck fleet) Landfill Manufacture and production of goods from composting organic material Recycling facility including recyclable material storage, including construction material Recycling Drop-off Facility Solid or liquid waste transfer station Waste Incineration	Associated office On-site refueling and repair Recycling of material Repackaging and shipment of by-products

2.10.6 Open Use Categories

A. Agriculture

Characterized by uses that create or preserve areas intended primarily for the raising of animals and crops, conservation, and the secondary industries associated with agricultural production.

Principal Uses	Accessory Uses
Commercial fishing Animal raising including horses, hogs, cows, sheep, goats, and swine, poultry, rabbits, and other small animals, apiculture, aquaculture, dairying, personal or commercial animal breeding and development Crop, soil preparation, agricultural services, large animal and veterinary services Farm labor and management services Floriculture, horticulture, pasturage, row and field crops, viticulture, tree or sod farm, silviculture Fish hatcheries and preserves Grain, fruit, field crop and vegetable cultivation and storage Hunting, trapping and game propagation Livestock, horse, dairy, poultry and egg products Livestock auction Milk processing plant Packing house for fruits or vegetables Plant nursery Plant nursery with landscape supply Poultry slaughtering and dressing Retail or wholesale sales of agriculturally-related supplies and equipment Sale of agriculture products, outdoor Timber tracts, forest nursery gathering of forest products Winery (processing not permitted)	Aircraft landing field or helicopter landing facility (private) Associated offices Auction ring Barns, garages, sheds, silos, stables (noncommercial) Dish antenna under 1meter Dock or pier (noncommercial) Home occupations Housing for ranch or farm labor, including manufactured homes Sale of agricultural products U-pick facilities

B. Resource Extraction

Characterized by uses that extract minerals and other solids and liquids from land.

Principal Uses	Accessory Uses
Dredging, earth extraction, clearing or grading (timber cutting) Extraction of phosphate or minerals Extraction of sand or gravel, borrow pit Metal, sand stone, gravel clay, mining and other related processing Stockpiling of sand, gravel, or other aggregate materials	Associated offices Equipment storage Resource processing

Article 3. Building Envelope Standards

3.1 GENERAL PROVISIONS

3.1.1 Applicability

- A. The provisions of this Article shall apply to all new construction including parking lot construction or expansion. All building expansion with removal of more than 25% of existing walls facing a public street (applies to individual street frontage on a corner lot), or a street-facing elevation if the project is landlocked; or removal of more than 50% of all existing exterior walls shall be considered new construction.
- B. Existing sites and buildings not in conformance shall meet the requirements of this Article to the maximum extent feasible as determined during the development review process (see also 3.10, Additions and New Buildings On Nonconforming Sites and Article 11, Nonconformities).

3.1.2 Subdivision Review

All subdivision shall occur in conformance with this Article as set forth in 10.7, Subdivision Review.

3.1.3 Site Plan Review

- A. All new construction (including parking lot construction or expansion) or building expansion as defined above, is subject to the site plan review process as set forth in 10.12, Site Plan Review.
- B. Single-family detached and single-family attached housing types (used exclusively for residential purposes) on individual lots do not have to submit a site plan for approval, however, developments with multiple single-family detached and single-family attached housing types on a single lot, site or tract shall be subject to the site plan review process.
- C. No building permit shall be issued or structure or building shall be erected, and no existing building or structure shall be altered, remodeled, or enlarged or extended until the project or development has an approved site plan (if applicable).

3.1.4 Dedication and Improvement

All development required to submit a site plan, preliminary plan or final plat shall require the dedication and improvement of public facilities to provide adequate public streets, sidewalks, or other public infrastructure (see Article 7, Site Development Standards and Article 9, Infrastructure and Public Improvements).

3.1.5 Number of Buildings Per Lot

A. One Building Per Lot

Except as set forth in paragraph B below, no more than one principal building may be erected on a single lot of record. This provision shall not apply to property owned by the Memphis-Shelby County Airport Authority, or to property owned jointly by the City of Memphis and the County of Shelby and operated as a public terminal area under the jurisdiction of the Memphis and Shelby County Port Commission. In addition, CMCS towers or facilities on a site shall not constitute an additional principal use or structure.

B. Multiple Principal Buildings on a Lot

1. General

- a. Multiple principal buildings with nonresidential (office, commercial, industrial) uses, mixed uses and multifamily uses (townhouse, large home, stacked townhouse, apartment) may be established on a single unified tract, site, or lot provided that the following requirements are met.
- b. The provisions of this section do not apply to a permanent off-premise advertising sign on an individual lot (where only one such sign is permitted on an individual lot).

2. Defined

A group of two or more office, commercial, industrial uses, mixed uses or multifamily uses (townhouse, large home, stacked townhouse, apartment) and/or other operations on an unsubdivided tract, site or lot operating under one name or presenting other elements of a unified image of identity to the public.

3. General

Multiple principal buildings on a single tract, site or lot shall meet all applicable development standards as set forth in this development code, including the building envelope standards of this Article.

4. Uses

Uses shall be limited to those permitted within the district in which the development is located (see 2.6, Permitted Uses).

5. Intensity

The overall intensity of the land use shall be no higher, and the standard of development no lower, than that permitted in the district in which the project is located.

6. Setbacks

The distance of every building from every property line shall meet the relative setback requirements of the district in which the development is located (the rear of a building shall meet the rear setback requirements, the front of the building shall meet the front setback requirements, and the side of the building shall meet the side setback requirements). Buildings fronting a street shall meet all front setback requirements including any applicable designated frontage requirements.

7. Height

The maximum height of any building shall not exceed the height limit permitted in the district in which the development is located (see 3.2.8 for additional height provisions).

3.2 MEASUREMENTS AND EXCEPTIONS

Commentary: This Chapter identifies and explains some of the more common forms of measurement used throughout this Article and other Articles of this development code. It also specifies exceptions to certain requirements of this development code.

3.2.1 Area

Area shall be measured in gross square feet or acres.

A. Tract

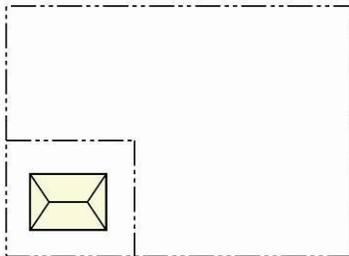
1. A continuous quantity of land to be developed as a single project.
2. Tract area shall be the total land area of the proposed development. A tract may include multiple sites or lots.

B. Site

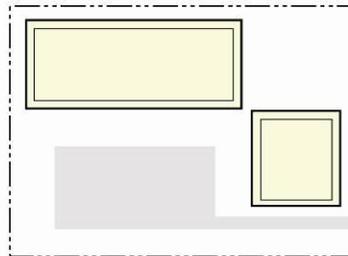
1. A continuous quantity of land in the possession of or owned by, or recorded as property of the same person or persons. A site may contain multiple buildings or uses.
2. Site area shall be that area required for each individual building in a multi-building project. A site may include multiple lots.

C. Lot

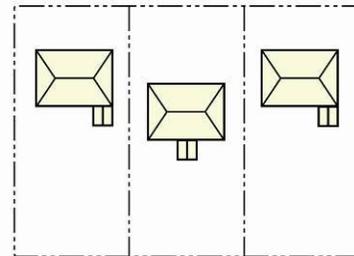
1. A single lot of record, or more than one contiguous lot of record in the same ownership, which lot or lots of record are not divided by any street or public alley.
2. Lot area shall be that area included in a single, undivided piece of land.
3. Minimum lot areas shall be exclusive of existing or proposed public or private right-of-way.



TRACT



SITE



LOT

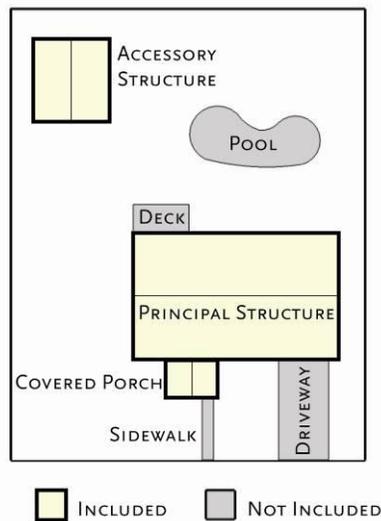
3.2.2 Blank Wall Area

A portion of the exterior façade of the building which does not include a substantial material change (paint color is not considered a substantial change); windows or doors; or columns, pilasters or other articulation greater than 12 inches in depth.

[graphic]

3.2.3 Building Coverage

The maximum area of the lot that is permitted to be covered by buildings, including both principal structures, structured parking and roofed accessory structures. Building coverage does not include paved areas such as driveways, uncovered porches or patios, decks, swimming pools or pool cages, porte cochere, or roof overhangs of two feet or less. A detached residential garage up to 450 square feet associated with a single-family detached unit, single-family attached unit, or a townhouse unit is not included the calculation of building coverage.



3.2.4 Building Separation

The required separation between any two buildings located on the same lot or site of land.

[graphic]

3.2.5 Clear Sight Triangle

- A. On any corner lot or driveway, a visibility triangle shall be established. The visibility triangle shall be formed by extending lines from the intersection of two streets or driveway and street to set points from the corner of the intersecting streets or driveway and then connecting the two points to form a triangle.
- B. No construction, planting or grading shall be permitted to interfere with the sight triangle as established in the City or County's Engineering Design Manual.

3.2.6 Density

Maximum permitted density shall be measured by the maximum number of dwelling units per gross acre of land.

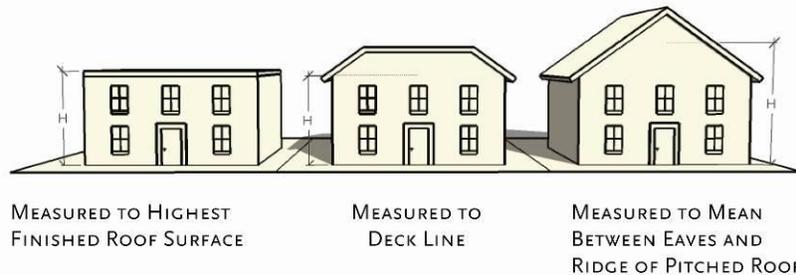
3.2.7 Gross Floor Area

The gross floor area of a building shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings and shall include the following areas:

- A. The area of each floor of the structure;
- B. All attic space used for active commercial space; and
- C. All outside storage areas as permitted in 7.6, Outside Storage and Display.

3.2.8 Height**A. Building Height**

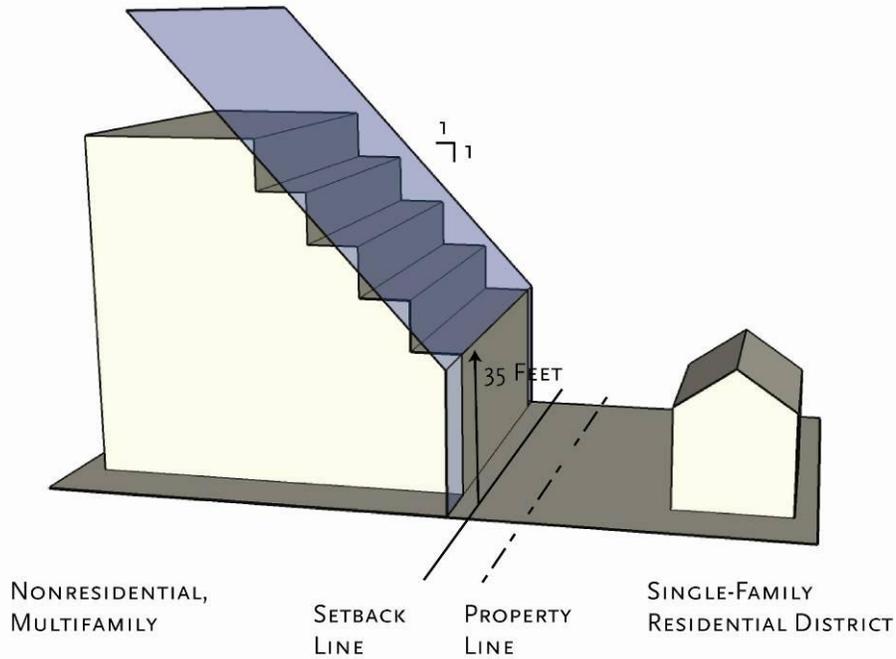
1. The vertical distance measured from grade to the highest point of the roof for flat roofs, to the deck line for mansard roofs or to the mean height between eaves and ridge of any pitched roof.



2. No building or structure shall be erected or altered to exceed the maximum height limit established for the district unless an official height map has been approved and adopted by the governing bodies (see 10.5, Zoning Change for the process for creating a new height map or amending an existing height map). All officially adopted height maps are made part of the Zoning Map (see 2.4 to determine if a height map applies to your property).
3. The maximum height limits of the district or officially adopted height map do not apply to spires, belfries, cupolas, domes not intended for human occupancy, monuments, water tanks/towers, chimneys, flagpoles, or other similar structures which, by design or function, must exceed the established height limits.
4. Additional height above that permitted in the district or shown on an officially adopted height map may be permitted through the special exception process (see 10.13), except for all single-family detached and single-family detached housing types.

B. Bulk Plane

Any building in that abuts a single-family residential district shall be subject to a bulk plane starting at 35 feet in height at the side or rear setback line, and extending upward one foot for every additional foot into the site from the setback line.



C. Ground Floor Elevation

Ground floor elevation shall be measured from top of the front building façade to the top of the finished ground floor.

[graphic]

D. Floor Height

Floor height shall be measured from the top of the finished floor to the start of the ceiling above.

[graphic]

3.2.9 Transparency

A. Ground Floor

The minimum percentage of transparent material (windows and doors) that must cover ground floor façade measured between 2 and 12 feet above the adjacent sidewalk.

[graphic]

B. Upper Floors

The minimum percentage of transparent material (windows and doors) that must cover an upper floor façade measured from floor to floor.

[graphic]

3.2.10 Width**A. Building Width**

Building width shall be measured by the distance along the front plane of any building (as determined by the location of an entrance fronting on a street).

[graphic]

B. Site or Lot Width

Site or lot width shall be measured by the distance between the side site or lot lines (generally running perpendicular to a street), measured at the rear edge of the front setback along a straight line parallel to the front of the property line or along the chord of the front property line.

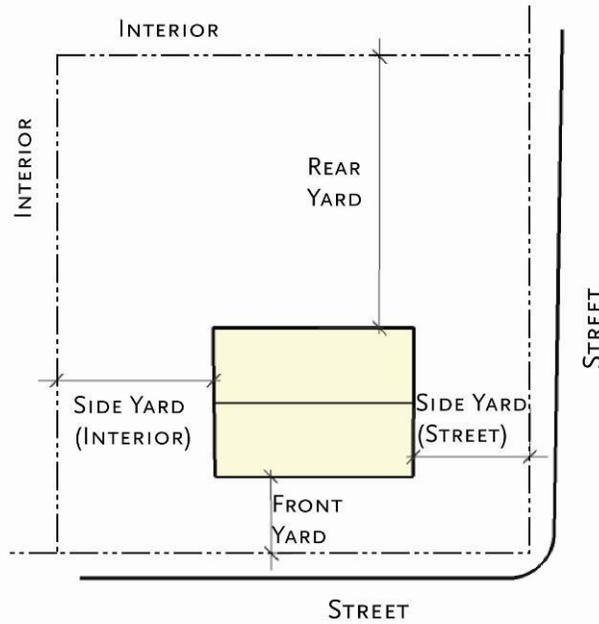
[graphic]

3.2.11 Building Setbacks**A. General**

1. No part of a yard or other open space required about any structure or use for the purpose of complying with the provisions of this development code shall be included as a part of a yard or other open space similarly required for another structure or use.
2. All front, rear and side (street) setbacks, and parking setbacks shall be measured from the edge of the right-of-way. Side yard setbacks shall be measured from the side property line.

B. Types of Setbacks

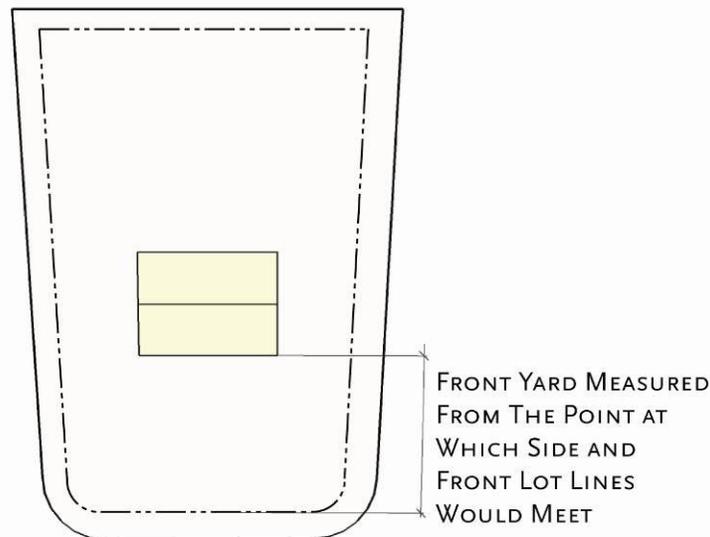
There are five types of setbacks – front (min), front (max), side (street), side (interior), and rear yards. Double frontage lots shall be consider to be consider to have two front setbacks.



C. Measurement of Setbacks

1. Front Setbacks

Depth of a required front setback shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot lines, in the case of rounded property corners at street intersections, shall be assumed to be the point at which the side and front lot lines would have met without such rounding. min/max



2. Side (Street) Setbacks**3. Side (Interior) Setbacks**

Width of a required side setback shall be measured in such a manner that the side yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the side lot line.

4. Rear Setbacks

Depth of a required rear setback shall be measured in such a manner that the rear yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the rear lot line.

5. Required Building Frontage

The minimum percentage of the front building façade that must be located in the front setback area. The setback area is the area of land within the minimum front setback line and the maximum setback line.

[graphic]

D. Encroachments

The following encroachment standards shall apply to all required setbacks unless otherwise stated, so long as they do not extend into any easements. Structures below and covered by the ground may extend into any required setback.

1. Accessory Structures

Accessory structures (as permitted in 2.8, Accessory Structures and Uses).

2. Building Features

- a. Chimneys, pre-fabricated chimneys, flues, or smokestacks may extend a maximum of four feet.
- b. Building eave or roof overhang may extend up to two feet; provided that such extension is at least three feet from the property line, its lower edge is at least 7½ feet above the ground elevation, and it is located at least five feet from any other building or eave.
- c. Bay windows, entrances and similar features that are less than ten feet wide may extend up to 42 inches but shall remain at least six feet from the property line.
- d. Awnings or overhangs may extend into a required front setback provided they do not extend into the public right-of-way without a right-of-way encroachment permit. Awnings or overhangs over a public sidewalk shall be a minimum of ten feet clear height above the sidewalk and shall be minimum of six feet deep.
- e. Balconies may extend up to four feet into a required setback. Balconies shall not project within five feet of a common lot line and in any case balconies shall not extend into the public right-of-way without a right-of-way encroachment permit.
- f. Sills and other ornamental features may project up to two feet.
- g. Unenclosed fire escapes or stairways may project up to eight feet.

3. Porches, Decks and Patios

- a. Unenclosed patios, decks or terraces may extend up to four feet into a required side setback, or up to eight feet into a required rear setback.
- b. Covered, unenclosed porches may extend a maximum of eight feet into a required front setback.

4. Mechanical Equipment and Utilities Lines

- a. Mechanical equipment associated with residential uses, such as HVAC units and security lighting, may extend into a required rear or side setback but shall remain at least four feet from the property line.
- b. Utility lines located underground and minor structures accessory to utility lines (such as hydrants, manholes, and transformers and other cabinet structures).

5. Pedestrian Bridges and Building Connections

Pedestrian bridges, breezeways, building connections, and supports of these structures, upon findings by the approving authority that the connecting feature is necessary to provide safe pedestrian access or to improve transit access.

6. Driveways

Driveways, provided that, to the extent practicable, they extend across rather than along the setback area, and shall be no closer than two feet from the property line (see also 7.2).

7. Signs

Signs in conformance with the standards found in 7.7.

8. Buffers

Buffers in conformance with the standards found in 7.4.5.

9. Fence and Walls

Fences and walls in conformance with the standards found in 7.4.7.

3.3 BLOCKS AND LOTS

3.3.1 Blocks

A. Width

Blocks must have sufficient width to provide for two tiers of lots, except where single tier lots are required to separate residential development from arterial traffic, to separate lots from an incompatible use, to accommodate a requirement for single loaded streets, to allow for unusual topographical conditions, where across from a public park or open space, or when adjacent to the outer perimeter of a subdivision.

B. Length

1. Block face length in the CA and R-E districts shall not exceed 1,600 feet.
2. In other residential districts, a traditional or modified grid of small blocks should be used as a foundation for new neighborhoods to enhance orientation, walkability, route choices and community interconnectivity. The perimeter of a block shall not exceed 3,000 feet in length. Where a block face exceeds 800 feet, a minimum 20-foot pedestrian access easement shall be provided through the block.
3. Block face length in all other districts shall not exceed 1,320 feet.

C. Pedestrian Access

A pedestrian access easement a minimum of 12 feet in width may be required to traverse blocks where deemed essential to provide access to institutional and community service uses or to retail and personal service uses.

D. Reverse Frontage

1. Reverse frontage shall be avoided, wherever possible. Where reverse frontage is required, the frontage area shall be held in common ownership and a Homeowners Association or similar mechanism shall be established for maintenance of the area.
2. Any reverse frontage shall provide a Class C buffer (see also 7.4.5).

3.3.2 Lots

A. Building Envelope Standards

Lots shall meet all applicable building envelope standards of this Article.

B. Access

Unless otherwise approved, each lot shall have vehicular access to a public street. No single-family detached or single-family attached unit with a frontage of less than 100 feet shall have direct access to any street classed as an arterial or larger.

C. Land Remnants

Unless otherwise approved by the Planning Director, remnants of land containing less area than the required minimum lot size prescribed by the underlying district shall not be allowed when approving a plat. In making a determination, the Planning Director shall consider adjacency to open space or park land, access to such, and the rights of users.

D. Side Lot Lines

Unless otherwise approved by the Planning Director, side lot lines shall be required to intersect rights-of-way between 60 and 90 degrees on a straight street, or from the tangent of a curved street.

E. Double Frontage

1. Residential lots less than five acres in size shall not have double frontage on roadways.
2. Nonresidential lots with double frontage shall have offset access points to inhibit cut-through traffic.

F. Flag Lots

Flag lots shall be avoided, wherever possible. Where a flag lot is required to provide access to a landlocked area, no more than one flag lot shall be created (a series of flag lots accessing the same roadway shall not be allowed).

G. Lot Numbering

All lots must be numbered consecutively within each block phase or plat.

3.4 OPEN DISTRICTS

3.4.1 Open Space (OS)

- A. There is no minimum district lot size or width. The minimum lot size that allows construction of a building is 10,000 square feet in area.
- B. All buildings shall be located at least 30 feet from the public right-of-way and least 25 feet from adjacent property lines.
- C. All other structures shall be at least ten feet from the public right-of-way and adjacent property lines.
- D. Maximum height of any building or structure is 35 feet (see 3.2.8 for additional height provisions).

3.4.2 Floodway (FW)

A. Applicability

Land located in the floodway of the City and County as shown on the Zoning Map shall be classified in this zoning district.

B. Prohibition on Development

1. No new construction, substantial improvements to existing structures or encroachments, including fill, shall be allowed in the FW District if such construction, improvement or encroachment would increase, in the opinion of the City or County Division of Public Works, the flood level within the City or County during the occurrence of the base flood discharge.
2. No dredging or earth extraction shall be permitted within a FW District without approval of a special use permit (see 10.6); and no clearing of timber or grading within certain areas of the floodway as specified in 8.6 shall be permitted without approval of a special use permit.

C. Exemptions

1. Activities conducted solely by local, state, and federal governments or agencies on land owned by said governments or agencies are exempt from the provisions of 8.6. However, no local, state or federal agency may delegate its exemption to any individual, partnership or corporation.
2. The harvest of timber for a sustained yield shall be considered an agricultural use, exempt from the provisions of 8.6. For the purposes of this development code, the harvest of timber shall constitute the cutting and removal of trees greater than six inches in diameter at a height of 18 inches (18") above the ground and retention of the remaining stump in place. Smaller trees shall not be cut and the disposal of associated debris into a water course shall be prohibited.

D. Building Regulations

1. There is no minimum district lot size or width. The minimum lot size that allows construction of a building is 10,000 square feet in area.
2. All buildings shall be located at least 30 feet from the public right-of-way and least 25 feet from adjacent property lines.
3. All other structures shall be at least ten feet from the public right-of-way and adjacent property lines.
4. Maximum height of any building or structure is 35 feet (see 3.2.8 for additional height provisions).

3.4.3 Conservation Agriculture (CA)

See 3.5, Residential Single-Family Districts.

3.4.4 Civic (CIV)

- A. The minimum district lot size is 3,000 square feet in area and 30 feet in width.
- B. Buildings may be built up to the front property line or have a maximum front setback of 30 feet. The front building façade must be located within the setback area for a minimum of 50% of the lot width.
- C. Buildings shall be setback at least ten feet from any side or rear property line.
- D. Building coverage shall not exceed 60% of the total lot area.
- E. Maximum height of any building or structure is 35 feet (see 3.2.8 for additional height provisions).

3.5 RESIDENTIAL SINGLE-FAMILY DISTRICTS

3.5.1 Building Regulations for Permitted Housing Types

The following building regulations apply to permitted housing types (see 2.5 for housing type definitions and see 2.6, Permitted Uses for permitted housing types by district). Residential compatibility standards may also apply (see 3.7.53.8).

TRACT							
Open Space (min) see 3.5.2	--	--	25%	25%	25%	25%	25%
SFD- CONVENTIONAL							
	CA	R-E	R-15	R-10	R-8	R-6	R-3
Lot (w/o water/sewer)							
Area (min acres)	4	4					
Width (min ft.)	120	120					
Building coverage (max)	30%	30%					
Lot (with water)							
Area (min sq. ft.)	2	2					
Width (min ft.)	120	120					
Building coverage (max)	30%	30%					
Lot (with water/sewer)							
Area (min sq. ft.)	1	22,000	15,000	10,000	8,000	6,000	3,000
Width (min ft.)	120	120	100	60	50	45	30
Building coverage (max)	30%	30%	30%	30%	40%	50%	50%
Building setback (min ft.)							
Front (with street access)	60	50	30	20	20	20	20
Front (with alley access)	--	--	--	15	15	15	15
Side (interior)	20	15	10	5	5	5	5
Side (total)	40	30	20	10	10	10	10
Side (street)	--	--	20	10	10	10	10
Rear	40	40	25	20	20	20	20
Height (max ft.) see also 3.2.8	35	35	35	35	35	35	35
SFD – SIDE YARD HOUSE				R-10	R-8	R-6	R-3
Lot (with water/sewer)							
Area (min sq. ft.)				10,000	8,000	6,000	3,000
Width (min ft.)				60	50	45	30
Building coverage (max)				30%	40%	50%	50%
Building setback (min ft.)							
Front (with street access)				20	20	20	20
Front (with alley access)				15	15	15	15
Side (interior)				0	0	0	0
Side (total)				10	10	10	10
Side (street)				10	10	10	10
Rear				20	20	20	20
Height (max ft.) see also 3.2.8				35	35	35	35
SFD – COTTAGE							R-3
Lot (with water/sewer)							
Area (min sq. ft.)							2,500
Width (min ft.)							25
Building coverage (max)							50%
Building setback (min ft.)							
Front (with street access)							--
Front (with alley access)							15
Side (interior)							5
Side (total)							10
Side (street)							10
Rear							20
Height (max ft.) see also 3.2.8							25

3.5.2 Required Open Space

- A. Common open space is required for any new development of five acres or more in size as set forth in 3.5.1.
- B. No additional open space shall be required on the tract, except where otherwise required by state or federal law. In the case that a subdivision is being developed in phases, the amount of open space shall be computed separately for each phase, but may be combined with existing open space in earlier phases to create a larger uniform area.
- C. Requirements for the configuration, use and management of common open are set forth in 8.2, Open Space.

3.5.3 Building Regulations for Permitted Nonresidential Uses

The following building regulations apply to permitted nonresidential uses. Permitted nonresidential uses are set forth in 2.6, Permitted Uses.

NONRESIDENTIAL USES	CA	R-E	R-15	R-10	R-8	R-6	R-3
Lot (with water/sewer)							
Area (min sq. ft.)	20,000	20,000	20,000	20,000	20,000	20,000	20,000
Width (min ft.)	100	100	100	100	100	100	100
Building coverage (max)	30%	30%	30%	30%	40%	50%	50%
Building setback (min ft.)							
Front (with street access)	60	50	30	20	20	20	20
Front (with alley access)	--	--	--	15	15	15	15
Side (interior)	20	15	10	10	10	10	10
Side (total)	40	30	20	20	20	20	20
Side (street)	--	--	20	10	10	10	10
Rear	40	40	25	20	20	20	20
Height (max ft.) see also 3.2.8	35	35	35	35	35	35	35

3.5.4 Residential Manufactured Home Park (R-MP)

A. General Provisions

- 1. The site for a manufactured home park shall be a minimum of ten acres.
- 2. The site must provide direct access to major or collector streets as designated on the MPO Long Range Transportation Plan.
- 3. The site must be served by public sanitary sewer and water facilities.

B. Building Envelope Standards

1. Manufactured Homes

- a. Lots shall have a minimum lot size of 4,000 square feet and have a minimum lot width of 40 feet.
- b. Building coverage shall not exceed 40% of the total lot area.
- c. Each manufactured home shall have a front setback of at least 25 feet.
- d. Each manufactured home shall be set back at least five feet from the side property line and 15 feet from the rear property line.
- e. Maximum height shall not exceed 35 feet (see 3.2.8 for additional height provisions).

2. Nonresidential Buildings

- a. Lots shall have a minimum lot size of 4,000 square feet and have a minimum lot width of 40 feet.
- b. Building coverage shall not exceed 60% of the total lot area.
- c. Each nonresidential building shall have a front setback of at least 25 feet.
- d. Each nonresidential building shall be set back at least ten from the side property line and 25 feet from the rear property line.
- e. Maximum height shall not exceed 35 feet (see 3.2.8 for additional height provisions).

C. Project Boundary Buffer

A Class C buffer shall be provided (see 7.4.5) along all project boundaries of a manufactured home park.

D. Open Space

Open space equal to 35% of the total tract area shall be provided as either public or private common open space. Requirements for the configuration, use and management of common open are set forth in 8.2, Open Space.

3.6 RESIDENTIAL SUBURBAN DISTRICTS

3.6.1 Development Patterns

A variety of residential development patterns are permitted in the RS- Districts as set forth below.

A. Standard Subdivision

Standard is a pattern of residential subdivision that provides a majority of property owners with substantial yards on their own property.

B. Open Space Subdivision

Open space subdivisions trade conventional minimum lot area and dimensions for additional common open space. An open space residential subdivision shall be a sufficient size to ensure adequate common open space can be incorporated into the subdivision design.

C. Amenity Subdivision

Amenity subdivisions trade even smaller lot sizes (with smaller yards) for additional common open space. An amenity subdivision allows reduced lots sizes provided certain enhancements are incorporated into the design of the subdivision.

3.6.2 Ownership of Development Site

The development site to be subdivided may be held in single and separate ownership or in multiple ownership. If held in multiple ownership, however, the site shall be developed according to a single plan with common authority and common responsibility.

3.6.3 Permitted Housing and Subdivision Types

The following housing types are allowed by district and subdivision type as set forth below (see 2.5 for housing type definitions). The building regulations on the next page apply to the permitted housing types. Residential compatibility standards may also apply (see 3.7.53.8).

Housing Types	District		Subdivision Type		
	RS-1	RS-2	Standard	Open Space	Amenity
Conventional	■	■	■	■	■
Side Yard House	■	■	■	■	■
Cottage	■	■	--	■	■
Semi-Attached	■	■	--	■	■
Two-Family	■	■	--	■	■
Townhouse	■	■	--	■	■
Large Home	■	■	--	■	■
Stacked Townhouse	--	■	--	■	■
Apartment	--	■	--	■	■

■ = Permitted -- = not permitted

3.6.4 Building Regulations for Permitted Housing Types

TRACT	Area (min)	Area (max)	See 3.6.6 Open Space (min)		Density (max units/acre)	Water/ sewer			
Conventional	--	5 acres	--	--	6	↑			
Open Space	5 acres	--	35%	--	7	required			
Amenity	10 acres	--	50%	--	8	↓			
STANDARD	Side Yard								
Subdivision	Conventional	Side Yard							
Lot (min)									
Area (sq. ft.)	10,000	10,000							
Width (ft.)	60	60							
Building coverage (max)	30%	30%							
Building setback (min ft.)									
Front (with street access)	20	20							
Front (with alley access)	15	15							
Side (interior)	5	0							
Side (total)	10	10							
Side (street)	10	10							
Rear	20	20							
Height (max ft.) see also 3.2.8	35	35							
OPEN SPACE	Side Yard		Semi- Attached	Two- Family	Town- house	Large Home	Stacked Townhouse	Apartment	
Subdivision	Conventional	Side Yard	Cottage	Semi- Attached	Two- Family	Town- house	Large Home	Stacked Townhouse	Apartment
Site (min)									
Area per unit (sq. ft.)	--	--	--	4,000	4,000	2,500	2,500	2,500	2,500
Unit width (ft.)	--	--	--	--	--	16	--	16	--
Lot (min)									
Area (sq. ft.)	8,000	8,000	4,000	4,000	8,000	--	--	--	--
Width (ft.)	50	50	35	35	50	--	--	--	--
Building coverage (max)	--	--	35%	35%	35%	45%	45%	45%	50%
Building setback (min ft.)									
Front (with street access)	20	20	20	20	20	--	20	--	--
Front (with alley access)	15	15	15	15	15	--	15	--	--
Front (min/max)	--	--	--	--	--	7-15	--	7-15	7-15
Required building frontage	--	--	--	--	--	80%	--	80%	50%
Side (interior)	5	0	5	5	5	5	5	5	5
Side (total)	10	10	10	--	10	10	10	10	10
Side (street)	10	10	10	10	10	10	10	10	10
Rear	20	20	20	20	20	20	20	20	20
Height (max ft.) see also 3.2.8	35	35	25	35	35	42	35	42	42
AMENITY	Side Yard		Semi- Attached	Two- Family	Town- house	Large Home	Stacked Townhouse	Apartment	
Subdivision	Conventional	Side Yard	Cottage	Semi- Attached	Two- Family	Town- house	Large Home	Stacked Townhouse	Apartment
Site (min)									
Area per unit (sq. ft.)	--	--	--	4,000	4,000	2,500	2,500	2,500	2,500
Unit width (ft.)	--	--	--	--	--	16	--	16	--
Lot (min)									
Area (sq. ft.)	6,000	6,000	4,000	4,000	8,000	--	--	--	--
Width (ft.)	45	45	35	35	50	--	--	--	--
Building coverage (max)	--	--	35%	35%	35%	35%	35%	35%	50%
Building setback (min ft.)									
Front (with street access)	20	20	20	20	20	--	20	--	--
Front (with alley access)	15	15	15	15	15	--	15	--	--
Front (min/max)	--	--	--	--	--	7-15	--	7-15	7-15
Required building frontage	--	--	--	--	--	80%	--	80%	50%
Side (interior)	5	0	5	5	5	5	5	5	5
Side (total)	10	10	10	--	10	10	10	10	10
Side (street)	10	10	10	10	10	10	10	10	10
Rear	20	20	20	20	20	20	20	20	20
Height (max ft.) see also 3.2.8	35	35	25	35	35	42	35	42	42

3.6.5 Building Regulations for Permitted Nonresidential Uses

The following building regulations apply to permitted nonresidential uses. Permitted nonresidential uses are set forth in 2.6, Permitted Uses.

NONRESIDENTIAL USES

Lot (min)	
Area (sq. ft.)	10,000
Width (ft.)	100
Building coverage (max)	50%
Building setback (min ft.)	
Front (min)	20
Side (interior)	5
Side (total)	10
Side (street)	10
Rear	20
Height (max ft.) see also 3.2.8	35

3.6.6 Common Open Space

A. Applicability

Common open space is an integral part of open space and amenity subdivisions. The minimum open space requirements for each subdivision type are set forth below. No additional open space shall be required on the tract, except where otherwise required by state or federal law. In the case that a subdivision is being developed in phases, the amount of open space shall be computed separately for each phase, but may be combined with existing open space in earlier phases to create a larger uniform area.

B. Required Open Space

Requirements for the configuration, use and management of common open are set forth in 8.2, Open Space. The percent of common open space by subdivision type is set forth below.

1. Standard Subdivision

No open space is required.

2. Open Space Subdivision

Open space equal to 35% of the total tract area shall be provided as either public or private common open space.

3. Amenity Subdivision

Open space equal to 50% of the total tract area shall be provided as either public or private open space.

3.6.7 Residential Protection Buffer

- A. To provide a suitable transition between an RS- district and adjacent single-family residential, a perimeter compatibility buffer may be required as set forth in 7.4.5D.
- B. The residential protection buffer must certain criteria in order to be counted as part of the minimum open space requirements of the subdivision (see 8.2, Open Space).

3.6.8 Alternative Compliance

The Land Use Control Board can modify the building regulations for permitted housing types through the special exception process (see 10.13). Modifications to the density or open space requirements shall require planned development approval in accordance with 10.6.

3.7 RESIDENTIAL URBAN DISTRICTS

3.7.1 Permitted Housing Types

The following housing types are allowed by district as set forth below (see 2.5 for housing type definitions).

Housing Types	RU-1	RU-2	RU-3	RU-4
Conventional	■	■	--	--
Side Yard House	■	■	--	--
Cottage	■	■	--	--
Semi-Attached	■	■	--	--
Two-Family	■	■	--	--
Townhouse	--	■	■	■
Large Home	--	■	■	■
Stacked Townhouse	--	■	■	■
Apartment	--	--	■	■

■ = Permitted -- = not permitted

3.7.2 Building Regulations for Permitted Housing Types

The following building regulations apply to permitted housing types. Residential compatibility standards may also apply (see 3.7.53.8).

HOUSING TYPES	Conventional	Side Yard	Cottage	Semi-Attached	Two-Family	Town-house	Large Home	Stacked Town house	Apartment
Site (min)									
RU-1, -2, -3 Area per unit (sq. ft.)	--	--	2,500	2,500	2,500	2,500	2,500	2,500	2,500
RU-4 Area per unit (sq. ft.)	--	--	--	--	--	1,800	1,800	1,800	1,800
Unit width (ft.)	--	--	--	--	--	16	--	16	--
Lot (min)									
Area (sq. ft.)	3,000	3,000	2,500	2,500	5,000	--	--	--	--
Width (ft.)	30	30	25	25	50	--	--	--	--
Building coverage (max)	50%	50%	50%	50%	50%	50%	50%	50%	50%
Building setback (min ft.)									
Front (with street access)	20	20	--	20	20	--	20	--	--
Front (with alley access)	15	15	15	15	15	--	15	--	--
Front (min/max)	--	--	--	--	--	7-15	--	7-15	7-15
Required building frontage	--	--	--	--	--	80%	--	80%	50%
Side (interior)	5	0	3	5	5	5	5	5	5
Side (total)	10	10	6	--	10	10	10	10	10
Side (street)	10	10	6	10	10	10	10	10	10
Rear	15	15	15	15	15	15	15	15	15
Height (max ft.) see also 3.2.8									
RU-1, -2, -3	35	35	25	35	35	42	35	42	42
RU-4	--	--	--	--	--	42	35	42	125

3.7.3 Building Regulations for Permitted Nonresidential Uses

The following building regulations apply to permitted nonresidential uses. Permitted nonresidential uses are set forth in 2.6, Permitted Uses.

NONRESIDENTIAL USES

Lot (min)	
Area (sq. ft.)	10,000
Width (ft.)	100
Building coverage (max)	50%
Building setback (min ft.)	
Front (min)	0
Front (max)	30
Required building frontage	50%
Side (interior)	5
Side (total)	10
Side (street)	10
Rear	20
Height (max ft.) see also 3.2.8	35

3.7.4 Residential Protection Buffer

To provide a suitable transition between an RU- district and adjacent single-family residential, a perimeter compatibility buffer may be required as set forth in 7.4.5.

3.7.5 Alternative Compliance

The Land Use Control can modify the building regulations for permitted housing types through the special exception process (see 10.13). Modifications to the density or open space requirements shall require planned development approval in accordance with 10.6.

3.8 RESIDENTIAL COMPATIBILITY

3.8.1 Garage Placement

A. Applicability

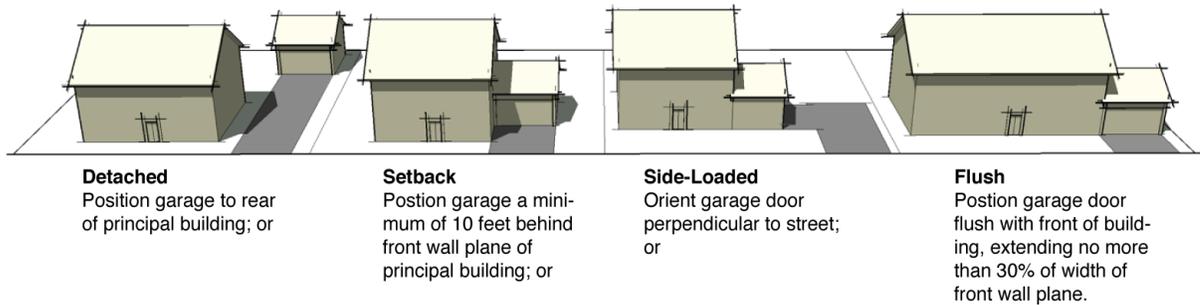
1. The following garage placement requirements apply to all housing types within residential single-family, residential suburban and residential urban districts.
2. In addition to the standards provided below, attached garages are considered part of the principal structure and must meet all applicable requirements of the principal structure.
3. In addition to the standards provided below, detached garages are considered accessory structures and must meet all applicable requirements of 2.8, Accessory Structures and Uses.

B. Alley Access Required

When an alley is provided and developed all vehicular access shall take place from the alley. Access may be taken from the side street on corner lots.

C. Conventional, Side Yard, Semi-Attached, Two-Family, Large Home

Street-facing garages, when provided shall be positioned as set forth below. Alternative but equivalent configurations may be permitted by the Land Use Control Board through the special exception process (see 10.13).



D. Cottage, Townhouse, Stacked Townhouse

Street-facing garages are not permitted with cottage, townhouse and stacked townhouse units. When provided garages shall be positioned as set forth below. Alternative but equivalent configurations may be permitted by the Land Use Control Board through the special exception process (see 10.13).

[graphic]

3.8.2 Contextual Infill Standards

A. Intent

These proposed standards are intended to accommodate the majority of infill development in existing residential neighborhoods. They have been crafted to allow an applicant (and staff) to look to the surrounding “context” for guidance in construction. These standards are intended to encourage reinvestment in existing neighborhoods and reinforce the traditional character of established residential neighborhoods.

B. Applicability

1. The contextual infill development standards shall be used on any residential project that is less than two acres in size and is surrounded on all sides by existing single-family detached or single-family attached development legally established before 1950 in a residential district.
2. Residential projects two acres or more in size shall follow the applicable district standards (see 3.5, 3.6, or 3.7).
3. These contextual infill standards shall not be used for nonresidential development in residential districts.

C. Lot Area

There is no minimum lot area provided all other standards are met.

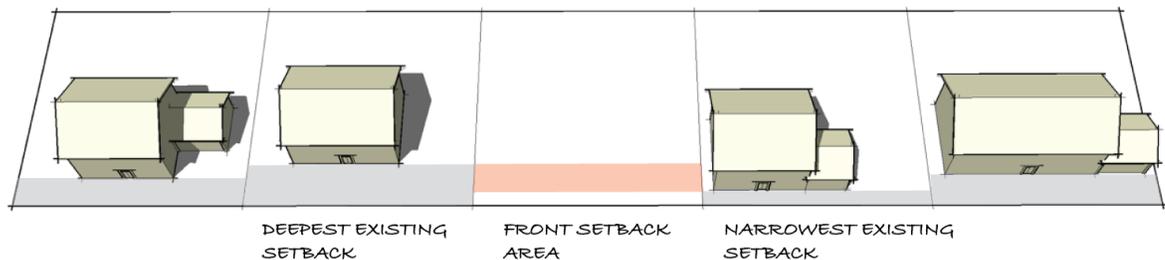
D. Lot Width

The minimum lot width requirement is the smaller of:

1. The average width of the adjacent lots fronting on the same linear block; or
2. The median of the widths for all other lots fronting on the same linear block.

E. Front Setbacks

Structures shall be located within the range of front setbacks on the street. This range of setbacks shall be measured on the basis of the four lots surrounding the project site (the two closest lots in either direction along the street). The new structure shall be located within the range of setbacks (no closer than the narrowest setback, no further than the deepest setback). Where a setback in these four lots is significantly out of the range of setbacks along the street, it may be eliminated from the range. Where the calculation of a range of setbacks is not practicable, the structure shall be located a minimum of 20 feet from the front property line.



F. Side Setbacks

The minimum side setback for the respective district shall apply. However, if the side wall of an existing structure is located on or within three feet of the adjoining property line, windows or other openings in the new structure that would allow for visibility into the side yard of the adjacent lot are not allowed unless a minimum ten-foot building separation is provided. Windows that do not allow visibility into the side yard of the adjacent lot, such as clerestory windows or translucent windows, are allowed regardless of the building separation.

G. Building Coverage

Building coverage shall not exceed the applicable district standard (see 3.5, 3.6, or 3.7).

H. Height

Height shall not exceed the applicable district standard (see 3.5, 3.6, or 3.7) or in case of a height map shall not exceed the established height limitations of the official adopted height map (see 3.2.8).

3.9 NONRESIDENTIAL DISTRICTS

3.9.1 General Building Regulations

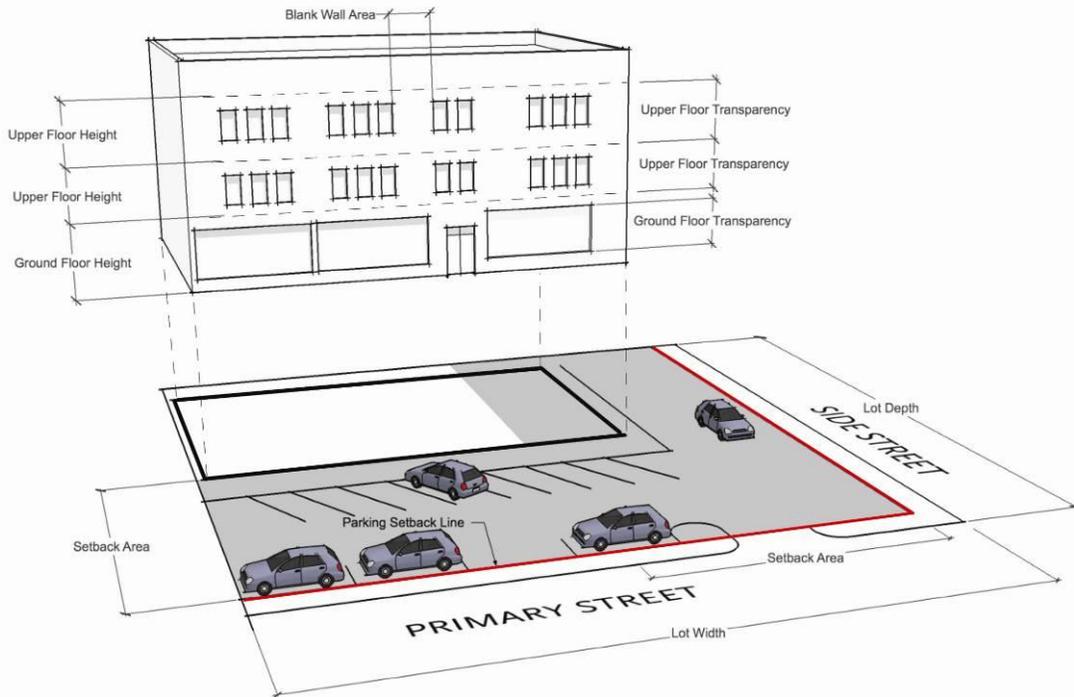
A. The building regulations in a nonresidential district may vary based on whether or not a frontage type has been assigned to a specific property. The following general building regulations apply to all undesignated frontages (see 3.9.6 for designated Pedestrian, Urban, General or Commercial frontage requirements). To determine whether or not a designated frontage has been assigned to a specific property consult the Zoning Map (see 2.4 for additional details).

	OG	CMU-1	CMU-2	CMU-3	CBD
Lot (min)					
Area (sq. ft.)	5,000	10,000	20,000	--	--
Width (ft.)	50	25	50	100	--
Building coverage (max)	75%	50%	75%	75%	100%
Building					
Height (max ft.) see also 3.2.8	60	48	60	60	--
Ground floor area (max sq. ft.)	--	15,000	80,000	--	--
Setback (min ft.)					
Front	7				
Side (street)	7	See	See	See	
Side/rear abutting single-family	10	3.9.2	3.9.2	3.9.2	See
Side/rear abutting multifamily, nonresidential	0 or 10	or	or	or	3.9.4
Side/rear abutting alley	5	3.9.3	3.9.3	3.9.3	
Building separation	10				
Parking setback (min ft.)					
From street	10	See	See	See	See
Abutting single-family	10	3.9.2	3.9.2	3.9.2	3.9.4
Abutting multifamily, nonresidential, alley	10	or	or	or	
	10	3.9.3	3.9.3	3.9.3	
	CMP-1	CMP-2	EMP	WD	IH
Lot (min)					
Area (sq. ft.)	10,000	20,000	20,000	20,000	20,000
Width (ft.)	25	50	50	50	50
Building coverage (max)	75%	50%	75%	75%	75%
Building					
Height (max ft.) see also 3.2.8	125	60	60	60	60
Ground floor area (max sq. ft.)	--	--	--	--	--
Setback (min ft.)					
Front	7	25	7	7	7
Side (street)	7	25	7	7	7
Side/rear abutting single-family	10	25	10	10	10
Side/rear abutting multifamily, nonresidential	0 or 10				
Side/rear abutting alley	5	5	5	5	5
Building separation	10	10	10	10	10
Parking setback (min ft.)					
From street	10	10	10	10	10
Abutting single-family	10	10	10	10	10
Abutting multifamily, nonresidential, alley	10	10	10	10	10

B. In the CMU-1, CMU-2, CMU-3 and CBD Districts, stand-alone K-12 public or private schools, places of worship, libraries and other types of public buildings are exempt from the building form standards and are only required to meet the general building regulations of the OG District. Structured parking is permitted fronting on any street provided that all building form standards are met. Such buildings shall contain active ground floor uses along the designated frontage for minimum depth of least 25 feet.

3.9.2 CMU-1, -2, -3 Urban Form Standards

The following building form standards are intended to accommodate development where the land-use pattern is predominately urban in character or where such a land use pattern is desired in the future.



PLACEMENT

ELEMENTS

HEIGHT

SETBACK AREA

8 ft. to 65 ft. behind ROW line.

REQUIRED BUILDING FRONTAGE

1. Primary street (lots 100 ft. or more in width). The building façade must be located within the setback area for a minimum of 80% of the lot width.
2. Primary street (lots less than 100 ft. in width). The building façade must be located within the setback area for a minimum of 70% of the lot width.
3. Side street. The building façade must be located within the setback area for a minimum of 40% of the lot depth.

SIDE/REAR SETBACKS

Abutting single-family: 10 ft min. Abutting multifamily, nonresidential: 0 or 10 ft min. Abutting alley: 5 ft. min. Building separation: 10 ft min.

PARKING SETBACK LINE

1. Primary/side street setback. Min 8 ft. behind ROW line.
2. Parking shall be located behind the parking setback line. One row of parallel parking, a one-way drive aisle and angled parking may be located between the building and the street. Where parking is provided between the building and the street, the 8-ft. parking setback area shall be planted (see 4.1.3).

TRANSPARENCY (WINDOWS & DOORS)

1. Ground floor. Primary Street min 60%, Side Street min 30%, situated between 2 and 12 ft. above the adjacent sidewalk. Ground floor residential, office and industrial uses may provide translucent widows to meet all transparency requirements.
2. Upper floor. Min 20% situated from floor to floor.
3. Retail sales and service uses. A minimum of 60% of the window pane surface area shall allow views into the ground floor for a depth of at least 15 ft. Windows shall not be made opaque by window treatments (excepting operable sunscreen devices within the conditioned space).

BUILDING ENTRANCE

1. A functioning entrance, operable during normal business hours, is required facing the primary street. An angled entrance may be provided at either corner of the building along the primary street to meet this requirement.
2. A building located on two primary streets shall have either one entrance per frontage or provide one angled entrance at the corner of the building at the intersection. Buildings located on corner lots shall meet all applicable intersection sight distance requirements. Additional entrances off another street, pedestrian area, or internal parking area are permitted.
3. A minimum of 50% of the required entrance shall be transparent.
4. Recessed entrances shall not exceed 3 ft. in depth and one floor in height.

BLANK WALL AREA

Blank lengths of wall exceeding 30 linear ft. are prohibited on all building façades.

GROUND FLOOR ELEVATION

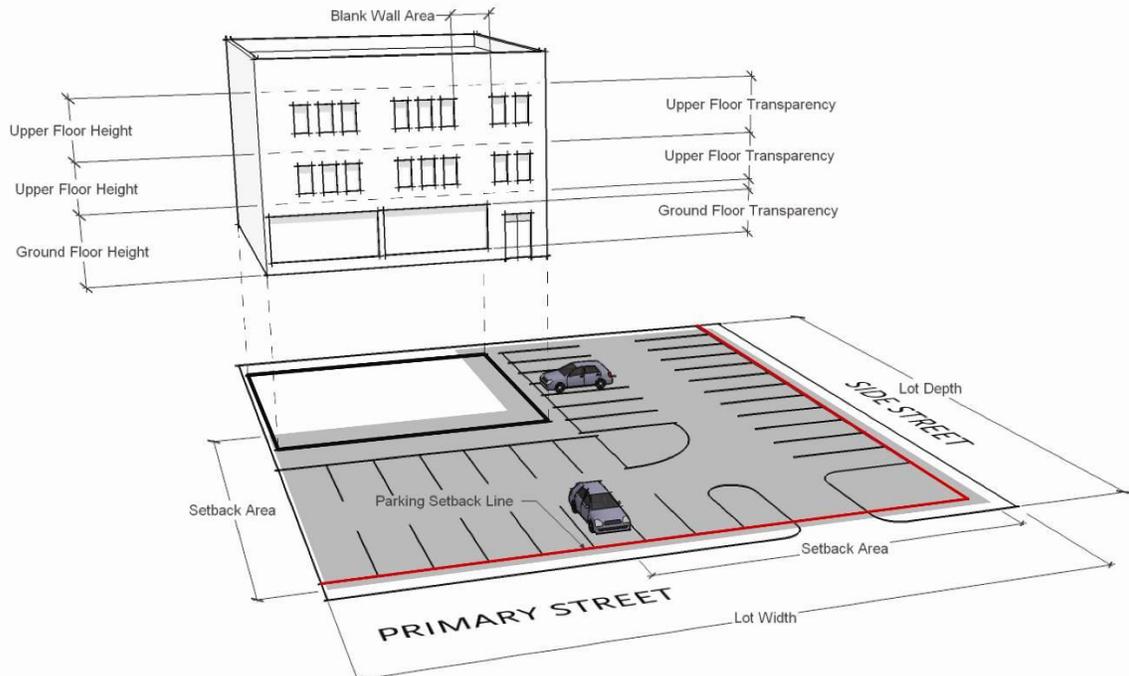
For ground floor residential uses, the ground floor finished elevation shall be a minimum of 18 inches above the adjacent sidewalk (measured from the front building façade to the top of the finished ground floor). There is no minimum for ground floor nonresidential uses.

FLOOR HEIGHT

1. The ground floor shall have at least 14 ft. of clear interior height (floor to ceiling) for a minimum depth of at least 25 ft.
2. The maximum floor-to-floor height for the ground floor is 20 ft.
3. The maximum floor-to-floor height for floors other than the ground floor is 12 ft.
4. At least 80% of each upper floor shall have an interior clear height (floor to ceiling) of at least 9 ft.

3.9.3 CMU-1, -2, -3 Suburban Form Standards

The following building form standards are intended to accommodate development where the land-use pattern is predominately suburban in character or where such a land use pattern is desired in the future.



PLACEMENT

ELEMENTS

HEIGHT

SETBACK AREA

8 ft. to 80 ft. behind ROW line.

REQUIRED BUILDING FRONTAGE

1. Primary street (lots 100 ft. or more in width). The building façade must be located within the setback area for a minimum of 60% of the lot width.
2. Primary street (lots less than 100 ft. in width). The building façade must be located within the setback area for a minimum of 50% of the lot width.
3. Side street. The building façade must be located within the setback area for a minimum of 25% of the lot depth.

SIDE/REAR SETBACKS

Abutting single-family: 10 ft min. Abutting multifamily, nonresidential: 0 or 10 ft min. Abutting alley: 5 ft. min. Building separation: 10 ft min.

PARKING SETBACK LINE

1. Primary/side street setback. Min 8 ft. behind ROW line.
2. Parking shall be located behind the parking setback line. A single drive aisle serving head-in parking spaces on one or both sides may be located between the building and the street. Where parking is provided between the building and the street, the 8-ft. parking setback area shall be landscaped (see 4.1.3).

TRANSPARENCY (WINDOWS & DOORS)

1. Ground floor. Primary Street min 60%, Side Street min 30%, situated between 2 and 12 ft. above the adjacent sidewalk. Ground floor residential, office and industrial uses may provide translucent widows to meet all transparency requirements.
2. Upper floor. Min 20% situated from floor to floor.
3. Retail sales and service uses. A minimum of 60% of the window pane surface area shall allow views into the ground floor for a depth of at least 15 ft. Windows shall not be made opaque by window treatments (excepting operable sunscreen devices within the conditioned space).

BUILDING ENTRANCE

1. A functioning entrance, operable during normal business hours, is required facing the primary street. An angled entrance may be provided at either corner of the building along the primary street to meet this requirement.
2. A building located on two primary streets shall have either one entrance per frontage or provide one angled entrance at the corner of the building at the intersection. Buildings located on corner lots shall meet all applicable intersection sight distance requirements. Additional entrances off another street, pedestrian area, or internal parking area are permitted.
3. A minimum of 50% of the required entrance shall be transparent.
4. Recessed entrances shall not exceed 3 ft. in depth and one floor in height.

BLANK WALL AREA

Blank lengths of wall exceeding 30 linear ft. are prohibited on all building façades.

GROUND FLOOR ELEVATION

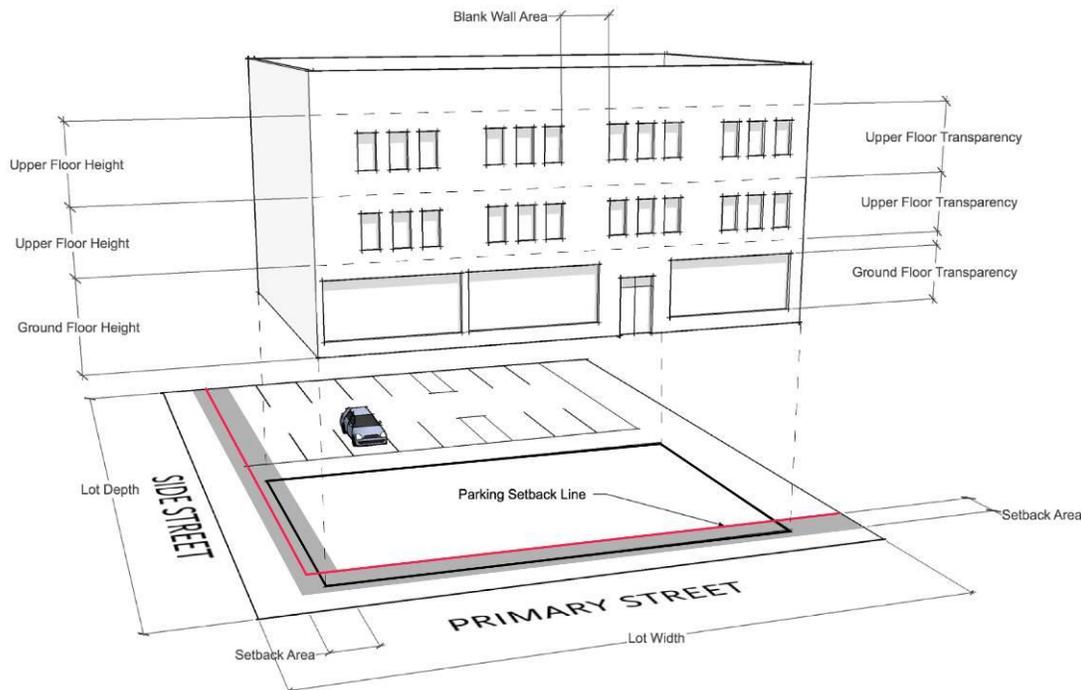
For ground floor residential uses, the ground floor finished elevation shall be a minimum of 18 inches above the adjacent sidewalk (measured from the front building façade to the top of the finished ground floor). There is no minimum for ground floor nonresidential uses.

FLOOR HEIGHT

1. The ground floor shall have at least 14 ft. of clear interior height (floor to ceiling) for a minimum depth of at least 25 ft.
2. The maximum floor-to-floor height for the ground floor is 20 ft.
3. The maximum floor-to-floor height for floors other than the ground floor is 12 ft.
4. At least 80% of each upper floor shall have an interior clear height (floor to ceiling) of at least 9 ft.

3.9.4 CBD District Form Standards

The following building form standards apply in the CBD District.



PLACEMENT

ELEMENTS

HEIGHT

SETBACK AREA

7 ft. to 15 ft. behind ROW line.

REQUIRED BUILDING FRONTAGE

1. Primary street. Building façade must be located within the setback area for a minimum of 90% of the lot width. The required building frontage may be reduced to accommodate no more than a single 20-ft. access drive for a rear parking area.
2. Side street. The building façade must be located within the setback area for a minimum of 60% of the lot depth.

SIDE/REAR SETBACKS

Abutting single-family: 10 ft min. Abutting multifamily, nonresidential: 0 or 10 ft min. Abutting alley: 5 ft. min. Building separation: 10 ft min.

PARKING SETBACK

1. Primary street setback. Min 15 ft. behind ROW line.
2. Side street setback. Min 10 ft. behind ROW line.
3. Parking shall be located behind the parking setback line. No parking is permitted between the street and the building. This requirement shall not restrict on-street parking (see 4.1.3).

TRANSPARENCY (WINDOWS & DOORS)

1. Ground floor. Primary Street min 60%, Side Street min 30%, situated between 2 and 12 ft. above the adjacent sidewalk. Ground floor residential, office and industrial uses may provide translucent widows to meet all transparency requirements.
2. Upper floor. Min 20% situated from floor to floor.
3. Retail sales and service uses. A minimum of 60% of the window pane surface area shall allow views into the ground floor for a depth of at least 8 ft. Windows shall not be made opaque by window treatments (excepting operable sunscreen devices within the conditioned space).

BUILDING ENTRANCE

1. A functioning entrance, operable during normal business hours, is required facing the primary street. An angled entrance may be provided at either corner of the building along the primary street to meet this requirement.
2. A building located on two primary streets shall have either one entrance per frontage or provide one angled entrance at the corner of the building at the intersection. Buildings located on corner lots shall meet all applicable intersection sight distance requirements. Additional entrances off another street, pedestrian area, or internal parking area are permitted.
3. A minimum of 50% of the required entrance shall be transparent.
4. Recessed entrances shall not exceed 3 ft. in depth and one floor in height.

BLANK WALL AREA

Blank lengths of wall exceeding 30 linear ft. are prohibited on all building façades.

GROUND FLOOR ELEVATION

For ground floor residential uses, the ground floor finished elevation shall be a minimum of 18 inches above the adjacent sidewalk (measured from the front building façade to the top of the finished ground floor). There is no minimum for ground floor nonresidential uses.

FLOOR HEIGHT

1. The ground floor shall have at least 14 ft. of clear interior height (floor to ceiling) for a minimum depth of at least 25 ft.
2. The maximum floor-to-floor height for the ground floor is 20 ft.
3. The maximum floor-to-floor height for floors other than the ground floor is 12 ft.
4. At least 80% of each upper floor shall have an interior clear height (floor to ceiling) of at least 9 ft.

3.9.5 CMP-1, CMP-2 District Regulations

A. Zoning Map Change

1. Initial Zoning

A campus area may elect to have all or parts of its area covered in the initial zoning map change, so long as those areas are covered by the appropriate campus master plan.

2. Subsequent Zoning Map Change

Any property included as part of a campus in a campus master plan may be included in the CMP- district. A campus master plan shall be submitted to the Division of Planning and Development prior to any zoning map change submittal. Campus master plans shall be viewed as illustrative in nature and may be updated, in whole or in part, at any time.

B. Campus Area Delineation

1. Transitional Use Area

- a. A Transitional Use Area shall be designed to establish standards at the edges of the campus that minimize any adverse impacts of proposed development on adjacent non-campus properties. Standards shall be applicable to a 100-foot wide area at the boundaries of any CMP-1 District, and a 200-foot wide area at the boundaries of any CMP-2 District.
- b. The Transitional Use Area shall be measured from the property line where directly abutting, and from the midpoint of any public right-of-way adjacent to the edge of the district. If a public right-of-way is wider than 200 feet and contains no existing or planned structures, a Transitional Use Area shall not be required.
- c. Within a Transitional Use Area, the Technical Review Committee shall consider the development on adjacent non-campus properties during the review of any site plan to assure issues such as setbacks, building façade and site design are compatible with adjacent properties.

2. Internal Campus

- a. All areas of each campus given the CMP- district designation that are not included within a Transitional Use Area shall be considered to be within the Internal Campus.
- b. Within the Internal Campus, only limited regulations shall apply, as indicated below.

C. Development Standards

1. Height

a. Transitional Use Area

The maximum height of a structure shall not exceed 150% of the average height of buildings on adjacent properties (including those directly across a public right-of-way), to a maximum of 100 feet. In calculating the average height for the adjacent buildings, the following considerations shall be included: maximum permitted heights for developable vacant lots, the taller of buildings in front or behind each other and included within 150 feet of the perimeter transition area. Heights may not be increased beyond 150% of average surrounding heights unless a special exception is approved in accordance with 10.13, Special Exception Review.

b. Internal Campus

The maximum height of a structure shall be 120 feet, unless a special exception is approved in accordance with 10.13, Special Exception Review.

2. Architectural Standards

a. Transitional Use Area

Within a Transitional Use Area, new buildings adjacent to public streets shall have compatible exterior facades with adjacent properties. Compatibility shall be demonstrated by documentation that the design of a proposed building is compatible with adjacent buildings and sites, considering both architectural and site designs. This design information shall be submitted with the site plan for each proposed development within the Transitional Use Area. Each building shall have a direct orientation and entryway facing a street.

b. Internal Campus

Specific architectural standards shall not apply, unless shown as committed elements on a development plan.

3. Frontage Standards

Any frontage designated on the Zoning Map within the Transitional Use Area shall meet the standards on 3.9.6, Frontage Standards. If desired, a campus master plan may designate frontages throughout the planned area.

4. Access Management

All applicable access management standards of 7.2, Access Management, shall apply within any CMP- district.

5. Parking and Loading

All applicable parking and loading standards of 7.3, Parking and Loading, shall apply within any CMP- district.

6. Landscaping and Screening

All applicable landscaping and screening standards of 7.4, Landscaping and Screening, shall apply within any CMP- district.

7. Outdoor Site Lighting

a. Transitional Use Area

Within a Transitional Use Area, all standards of 7.5, Outdoor Site Lighting, shall apply.

b. Internal Campus

Within the Internal Campus, the standards of 7.5, Outdoor Site Lighting, shall not apply so long as the maximum illumination at the edge of the CMP- district does not exceed the limits imposed by 7.5.8.

8. Outdoor Storage and Display

a. Transitional Use Area

Within a Transitional Use Area, all standards of 7.6, Outdoor Storage and Display, shall apply.

b. Internal Campus

Within the Internal Campus, the standards of 7.6, Outdoor Storage and Display, shall not apply.

9. Natural Resource Protection

All applicable natural resource protection standards of Article 8, Natural Resource Protection, shall apply within any CMP- district.

10. Infrastructure and Public Improvements

All applicable infrastructure and public improvements standards of Article 9, Infrastructure and Public Improvements, shall apply within any CMP- district.

3.9.6 Frontage Standards

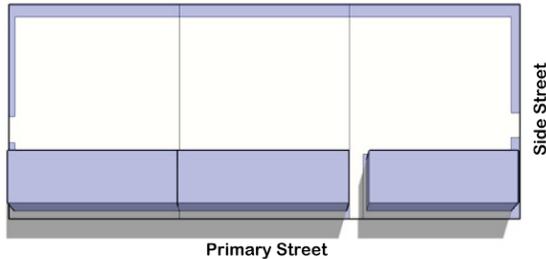
A. Applicability

1. The building regulations for sites with a designated frontage vary based on the frontage type assigned to a specific property. The Zoning Map specifically designates Pedestrian, Urban, General and Commercial frontages. To determine whether or not a designated frontage has been assigned to a specific property consult the Zoning Map (see 2.4 for additional details).
2. All stand-alone K-12 public or private schools, places of worship, libraries and other types of public buildings are exempt from the designated frontage requirements and are only required to meet the general building regulations (see 3.9.1).
3. Structured parking is permitted fronting on any street provided that on a designated frontage all frontage requirements are met. Such buildings shall contain active ground floor uses along the designated frontage for minimum depth of least 25 feet.

B. Designated Frontages

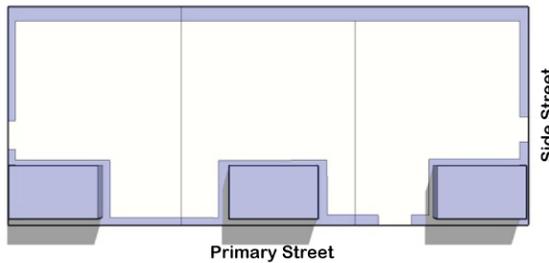
In order to foster a more pedestrian-friendly community and reduce the visual impact of the motor car, the following frontages have been established. The frontages are intended to be used in areas of the City and County where a more walkable pedestrian-friendly environment is desired. Four different frontages have been developed as set forth below.

■ Pedestrian Frontage



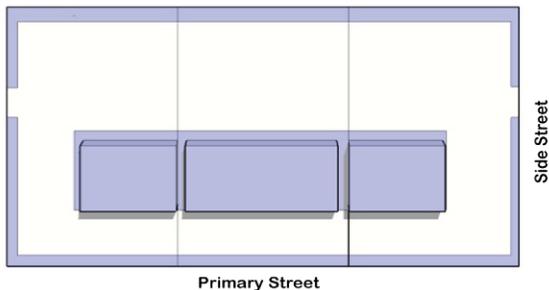
In general, the Pedestrian Frontage should be used where the highest level of walkability is desired. Buildings abut the street and sidewalk, creating a “main street” like environment. There is no on-site parking between the building and the street. On-site parking areas are located to the rear of buildings. Entrances are prominent and street facing. There often are two entrances, a pedestrian entrance facing the street and an ancillary automobile entrance facing the rear.

■ Urban Frontage



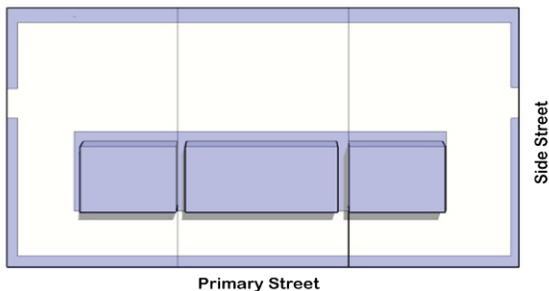
In general, the Urban Frontage should be used where a moderate level of walkability is desired. Buildings still abut the street and sidewalk but with greater spacing in between to balance the needs of both the pedestrian and automobile. There is no on-site parking between the building and the street. However, parking areas can be located to the side and rear of buildings. Entrances are still prominent and street facing. There is often a single entrance at the corner of the building facing that serves as both an entrance for customers arriving by foot and for customers arriving by automobile.

■ General Frontage



In general, the General Frontage should be used where easy access to buildings by automobile is still desired but where some level of walkability is still maintained. The General Frontage is intended to accommodate development where the land-use pattern is predominately urban in character or where such a land use pattern is desired in the future. Buildings are set back further from the street. Parking occurs in front of buildings but is limited to one row of parking parallel to the street, a one-way drive aisle and angled parking closest to the building. There is usually a single entrance facing the primary street served by an internal sidewalk.

■ Commercial Frontage



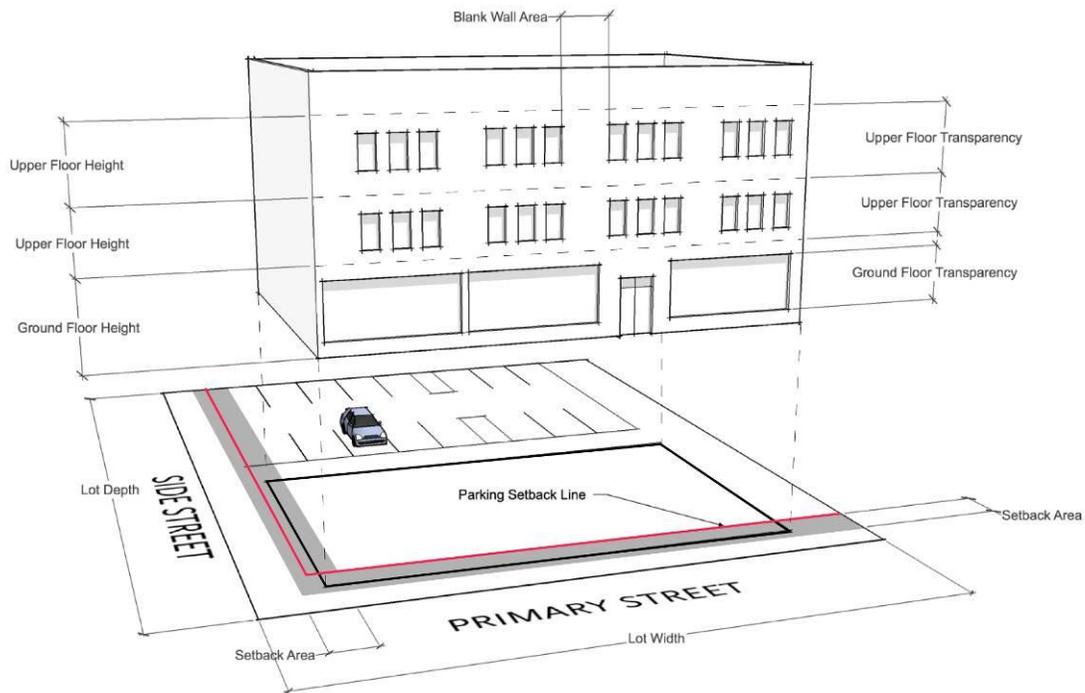
In general, the Commercial Frontage should be used where easy access to buildings by automobile is still desired but where some level of walkability is still maintained. The Commercial Frontage is intended to accommodate development where the land-use pattern is predominately suburban in character or where such a land use pattern is desired in the future. Buildings are set back further from the street to allow for easier access by automobile. Parking occurs in front of buildings but is limited two bays with a single drive aisle. There is usually a single entrance facing the primary street served by an internal sidewalk.

C. Building Form Standards

The following building form standards apply to all designated frontages regardless of the underlying nonresidential district. District regulations pertaining to lot area, lot width, building coverage, building height, and ground floor area still apply and are listed in 3.9.1.

	 Pedestrian	 Urban	 General	 Commercial
PLACEMENT				
Setback Area				
Front setback (min ft.)	7	7	8	8
Front setback (max ft.)	15	15	50	80
Required Building Frontage (min %)				
Primary street (lot 100 feet in width or more)	80	60	80	60
Primary street (lot less than 100 feet in width)	70	50	70	50
Side street	40	25	40	25
Side/Rear Setback (min ft.)				
Abutting single-family	10	10	10	10
Abutting multifamily, nonresidential	0 or 10	0 or 10	0 or 10	0 or 10
Abutting alley	5	5	5	5
Building separation	10	10	10	10
Parking Setback (min ft.)				
From primary street	15	15	8	8
From side street	10	10	8	8
Abutting single-family	10	10	10	10
Abutting multifamily, nonresidential, alley	0	0	0	0
ELEMENTS				
Transparency (min %)				
Primary street				
Ground floor	60	50	60	50
Upper floors	20	20	20	20
Side street				
Ground floor	30	30	30	30
Upper floors	20	20	20	20
Building Entrance				
Facing primary street	Required	Required	Required	Required
Blank Wall Area (max linear ft.)				
	30	30	30	30
Ground Floor Elevation (min inches)				
Residential use	18	18	18	18
Nonresidential use	0	0	0	0
Floor Height (min/max ft.)				
Ground floor height	14/20	14/20	14/20	14/20
Upper floor height	9/12	9/12	9/12	9/12

PEDESTRIAN FRONTAGE



PLACEMENT

ELEMENTS

HEIGHT

SETBACK AREA

7 ft. to 15 ft. behind ROW line.

REQUIRED BUILDING FRONTAGE

1. Primary street (lots 100 ft. or more in width). The building façade must be located within the setback area for a minimum of 80% of the lot width.
2. Primary street (lots less than 100 ft. in width). The building façade must be located within the setback area for a minimum of 70% of the lot width. For lots under 100 ft. in width, the required building frontage may be reduced to accommodate no more than a single 20-ft. access drive for a rear parking area.
3. Side street. The building façade must be located within the setback area for a minimum of 40% of the lot depth.

PARKING SETBACK

1. Primary street setback. Min 15 ft. behind ROW line.
2. Side street setback. Min 10 ft. behind ROW line.
3. Parking shall be located behind the parking setback line. No parking is permitted between the street and the building. This requirement shall not restrict on-street parking (see 4.1.3).

TRANSPARENCY (WINDOWS & DOORS)

1. Ground floor. Primary Street min 60%, Side Street min 30%, situated between 2 and 12 ft. above the adjacent sidewalk. Ground floor residential, office and industrial uses may provide translucent windows to meet all transparency requirements.
2. Upper floor. Min 20% situated from floor to floor.
3. Retail sales and service uses. A minimum of 60% of the window pane surface area shall allow views into the ground floor for a depth of at least 8 ft. Windows shall not be made opaque by window treatments (excepting operable sunscreen devices within the conditioned space).

BUILDING ENTRANCE

1. A functioning entrance, operable during normal business hours, is required facing the primary street. An angled entrance may be provided at either corner of the building along the primary street to meet this requirement.
2. A building located on two primary streets shall have either one entrance per frontage or provide one angled entrance at the corner of the building at the intersection. Buildings located on corner lots shall meet all applicable intersection sight distance requirements. Additional entrances off another street, pedestrian area, or internal parking area are permitted.
3. A minimum of 50% of the required entrance shall be transparent.
4. Recessed entrances shall not exceed 3 ft. in depth and one floor in height.

BLANK WALL AREA

Blank lengths of wall exceeding 30 linear ft. are prohibited on all building façades.

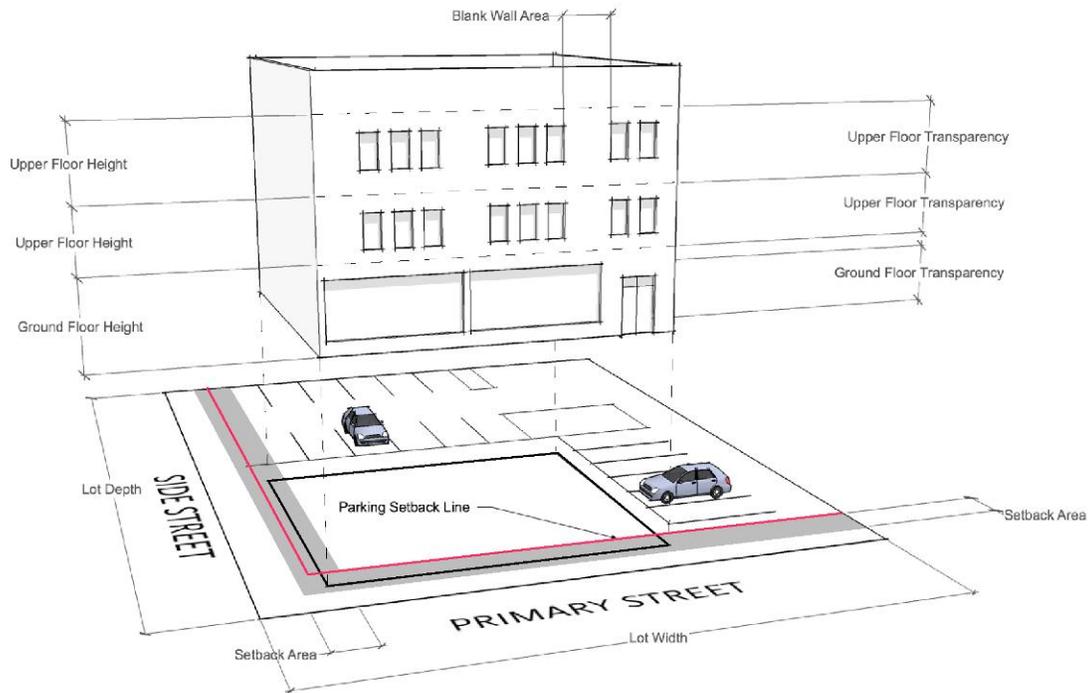
GROUND FLOOR ELEVATION

For ground floor residential uses, the ground floor finished elevation shall be a minimum of 18 inches above the adjacent sidewalk (measured from the front building façade to the top of the finished ground floor). There is no minimum for ground floor nonresidential uses.

FLOOR HEIGHT

1. The ground floor shall have at least 14 ft. of clear interior height (floor to ceiling) for a minimum depth of at least 25 ft.
2. The maximum floor-to-floor height for the ground floor is 20 ft.
3. The maximum floor-to-floor height for floors other than the ground floor is 12 ft.
4. At least 80% of each upper floor shall have an interior clear height (floor to ceiling) of at least 9 ft.

URBAN FRONTAGE



PLACEMENT

ELEMENTS

HEIGHT

SETBACK AREA

7 ft. to 15 ft. behind ROW line.

REQUIRED BUILDING FRONTAGE

1. Primary street (lots 100 ft. or more in width). The building façade must be located within the setback area for a minimum of 60% of the lot width.
2. Primary street (lots less than 100 ft. in width). The building façade must be located within the setback area for a minimum of 50% of the lot width.
3. Side street. The building façade must be located within the setback area for a minimum of 25% of the lot depth.

PARKING SETBACK LINE

1. Primary street setback. Min 15 ft. behind ROW line.
2. Side street setback. Min 10 ft. behind ROW line.
3. Parking shall be located behind the parking setback line. No parking is permitted between the street and the building. This requirement shall not restrict on-street parking (see 4.1.3).

TRANSPARENCY (WINDOWS & DOORS)

1. Ground floor. Primary Street min 60%, Side Street min 30%, situated between 2 and 12 ft. above the adjacent sidewalk. Ground floor residential, office and industrial uses may provide translucent widows to meet all transparency requirements.
2. Upper floor. Min 20% situated from floor to floor.
3. Retail sales and service uses. A minimum of 60% of the window pane surface area shall allow views into the ground floor for a depth of at least 15 ft. Windows shall not be made opaque by window treatments (excepting operable sunscreen devices within the conditioned space).

BUILDING ENTRANCE

1. A functioning entrance, operable during normal business hours, is required facing the primary street. An angled entrance may be provided at either corner of the building along the primary street to meet this requirement.
2. A building located on two primary streets shall have either one entrance per frontage or provide one angled entrance at the corner of the building at the intersection. Buildings located on corner lots shall meet all applicable intersection sight distance requirements. Additional entrances off another street, pedestrian area, or internal parking area are permitted.
3. A minimum of 50% of the required entrance shall be transparent.
4. Recessed entrances shall not exceed 3 ft. in depth and one floor in height.

BLANK WALL AREA

Blank lengths of wall exceeding 30 linear ft. are prohibited on all building façades.

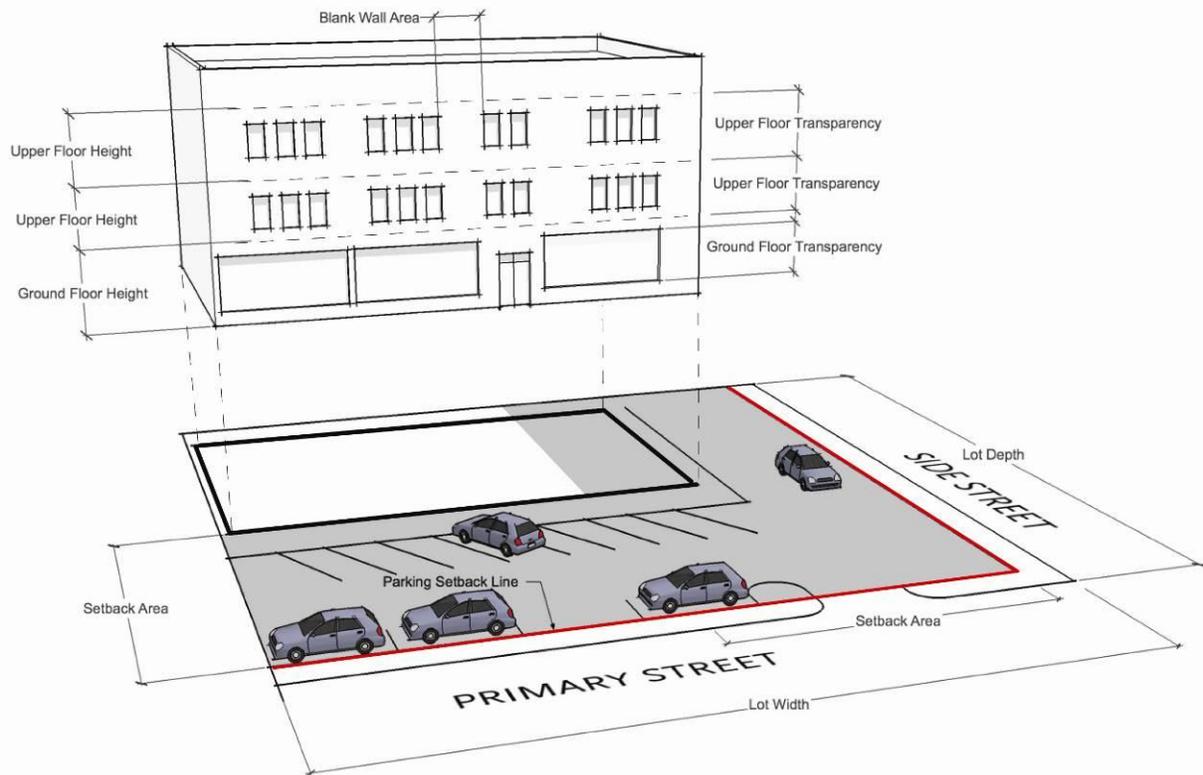
GROUND FLOOR ELEVATION

For ground floor residential uses, the ground floor finished elevation shall be a minimum of 18 inches above the adjacent sidewalk (measured from the front building façade to the top of the finished ground floor). There is no minimum for ground floor nonresidential uses.

FLOOR HEIGHT

1. The ground floor shall have at least 14 ft. of clear interior height (floor to ceiling) for a minimum depth of at least 25 ft.
2. The maximum floor-to-floor height for the ground floor is 20 ft.
3. The maximum floor-to-floor height for floors other than the ground floor is 12 ft.
4. At least 80% of each upper floor shall have an interior clear height (floor to ceiling) of at least 9 ft.

GENERAL FRONTAGE



PLACEMENT

ELEMENTS

HEIGHT

SETBACK AREA

8 ft. to 75 ft. behind ROW line.

REQUIRED BUILDING FRONTAGE

1. Primary street (lots 100 ft. or more in width). The building façade must be located within the setback area for a minimum of 80% of the lot width.
2. Primary street (lots less than 100 ft. in width). The building façade must be located within the setback area for a minimum of 70% of the lot width.
3. Side street. The building façade must be located within the setback area for a minimum of 40% of the lot depth.

PARKING SETBACK LINE

1. Primary/side street setback. Min 8 ft. behind ROW line.
2. Parking shall be located behind the parking setback line. One row of parallel parking, a one-way drive aisle and angled parking may be located between the building and the street. Where parking is provided between the building and the street, the 8-ft. parking setback area shall be planted (see 4.1.3).

TRANSPARENCY (WINDOWS & DOORS)

1. Ground floor. Primary Street min 60%, Side Street min 30%, situated between 2 and 12 ft. above the adjacent sidewalk. Ground floor residential, office and industrial uses may provide translucent windows to meet all transparency requirements.
2. Upper floor. Min 20% situated from floor to floor.
3. Retail sales and service uses. A minimum of 60% of the window pane surface area shall allow views into the ground floor for a depth of at least 15 ft. Windows shall not be made opaque by window treatments (excepting operable sunscreen devices within the conditioned space).

BUILDING ENTRANCE

1. A functioning entrance, operable during normal business hours, is required facing the primary street. An angled entrance may be provided at either corner of the building along the primary street to meet this requirement.
2. A building located on two primary streets shall have either one entrance per frontage or provide one angled entrance at the corner of the building at the intersection. Buildings located on corner lots shall meet all applicable intersection sight distance requirements. Additional entrances off another street, pedestrian area, or internal parking area are permitted.
3. A minimum of 50% of the required entrance shall be transparent.
4. Recessed entrances shall not exceed 3 ft. in depth and one floor in height.

BLANK WALL AREA

Blank lengths of wall exceeding 30 linear ft. are prohibited on all building façades.

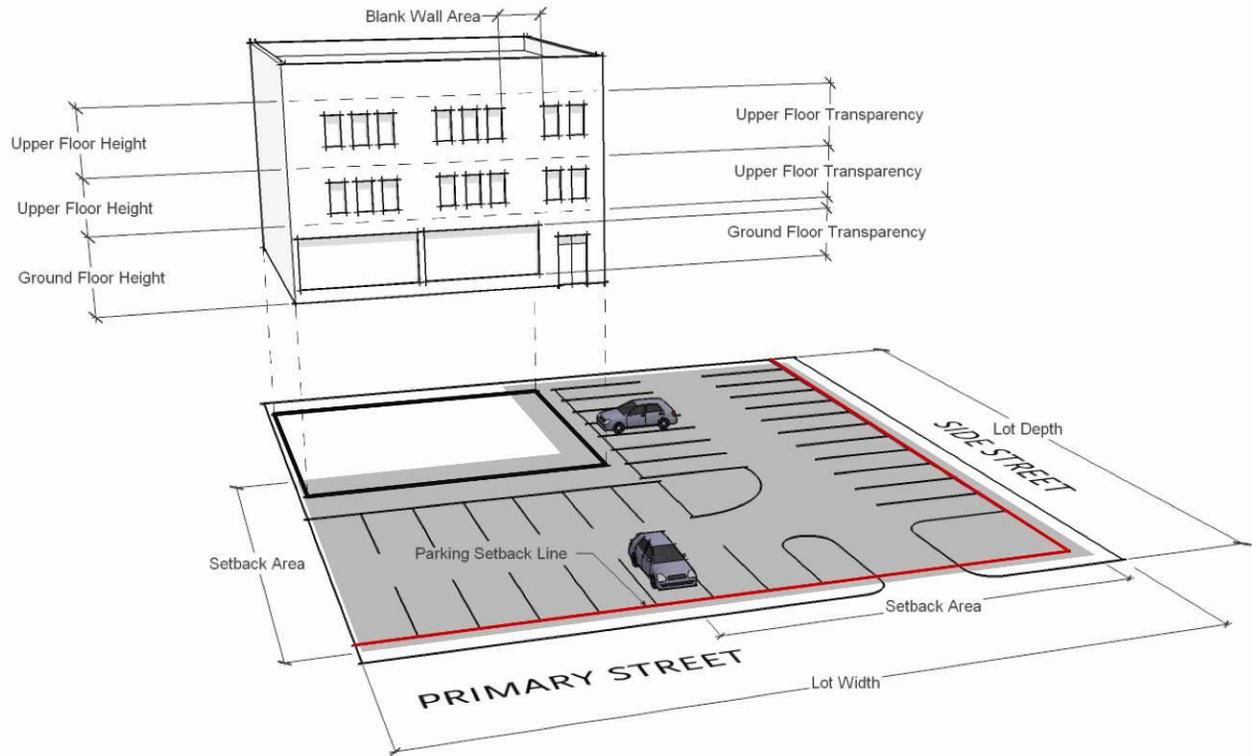
GROUND FLOOR ELEVATION

For ground floor residential uses, the ground floor finished elevation shall be a minimum of 18 inches above the adjacent sidewalk (measured from the front building façade to the top of the finished ground floor). There is no minimum for ground floor nonresidential uses.

FLOOR HEIGHT

1. The ground floor shall have at least 14 ft. of clear interior height (floor to ceiling) for a minimum depth of at least 25 ft.
2. The maximum floor-to-floor height for the ground floor is 20 ft.
3. The maximum floor-to-floor height for floors other than the ground floor is 12 ft.
4. At least 80% of each upper floor shall have an interior clear height (floor to ceiling) of at least 9 ft.

COMMERCIAL FRONTAGE



PLACEMENT

ELEMENTS

HEIGHT

SETBACK AREA

8 ft. to 80 ft. behind ROW line.

REQUIRED BUILDING FRONTAGE

1. Primary street (lots 100 ft. or more in width). The building façade must be located within the setback area for a minimum of 60% of the lot width.
2. Primary street (lots less than 100 ft. in width). The building façade must be located within the setback area for a minimum of 50% of the lot width.
3. Side street. The building façade must be located within the setback area for a minimum of 25% of the lot depth.

PARKING SETBACK LINE

1. Primary/side street setback. Min 8 ft. behind ROW line.
2. Parking shall be located behind the parking setback line. A single drive aisle serving head-in parking spaces on one or both sides may be located between the building and the street. Where parking is provided between the building and the street, the 8-ft. parking setback area shall be landscaped (see 4.1.3).

TRANSPARENCY (WINDOWS & DOORS)

1. Ground floor. Primary Street min 60%, Side Street min 30%, situated between 2 and 12 ft. above the adjacent sidewalk. Ground floor residential, office and industrial uses may provide translucent widows to meet all transparency requirements.
2. Upper floor. Min 20% situated from floor to floor.
3. Retail sales and service uses. A minimum of 60% of the window pane surface area shall allow views into the ground floor for a depth of at least 15 ft. Windows shall not be made opaque by window treatments (excepting operable sunscreen devices within the conditioned space).

BUILDING ENTRANCE

1. A functioning entrance, operable during normal business hours, is required facing the primary street. An angled entrance may be provided at either corner of the building along the primary street to meet this requirement.
2. A building located on two primary streets shall have either one entrance per frontage or provide one angled entrance at the corner of the building at the intersection. Buildings located on corner lots shall meet all applicable intersection sight distance requirements. Additional entrances off another street, pedestrian area, or internal parking area are permitted.
3. A minimum of 50% of the required entrance shall be transparent.
4. Recessed entrances shall not exceed 3 ft. in depth and one floor in height.

BLANK WALL AREA

Blank lengths of wall exceeding 30 linear ft. are prohibited on all building façades.

GROUND FLOOR ELEVATION

For ground floor residential uses, the ground floor finished elevation shall be a minimum of 18 inches above the adjacent sidewalk (measured from the front building façade to the top of the finished ground floor). There is no minimum for ground floor nonresidential uses.

FLOOR HEIGHT

1. The ground floor shall have at least 14 ft. of clear interior height (floor to ceiling) for a minimum depth of at least 25 ft.
2. The maximum floor-to-floor height for the ground floor is 20 ft.
3. The maximum floor-to-floor height for floors other than the ground floor is 12 ft.
4. At least 80% of each upper floor shall have an interior clear height (floor to ceiling) of at least 9 ft.

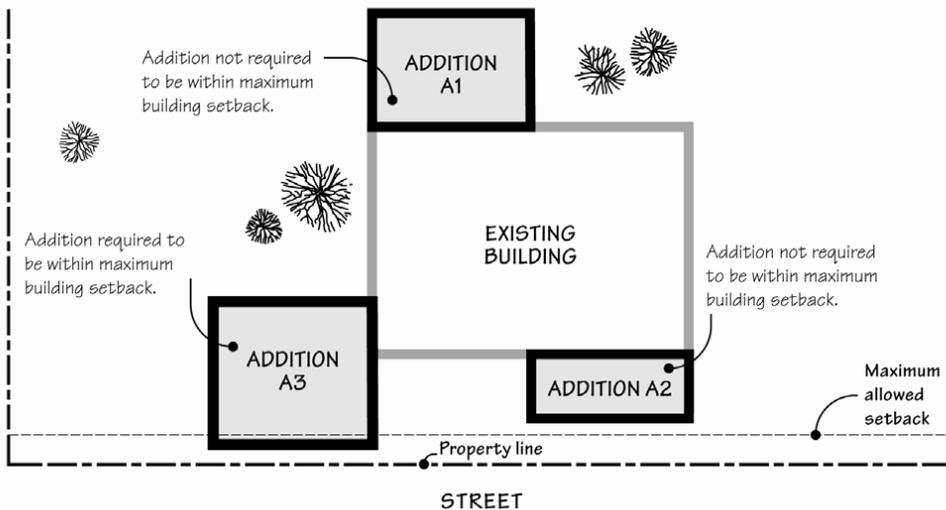
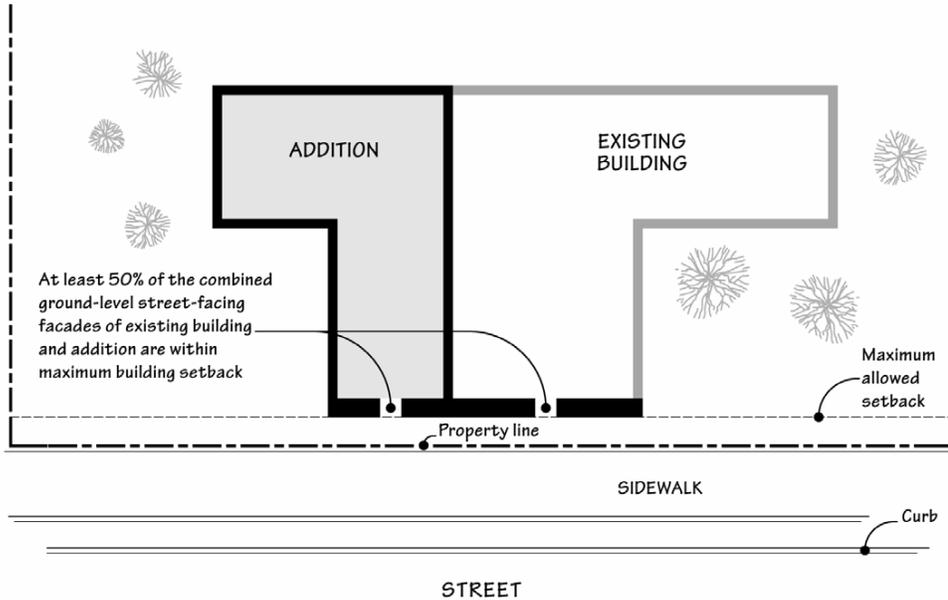
3.10 ADDITIONS AND NEW BUILDINGS ON NONCONFORMING SITES

3.10.1 Applicability

CMU-1, CMU-2, CMU-3, CBD Districts, any designated frontage, or any development where a maximum setback applies.

3.10.2 Permitted Additions

New additions shall meet the maximum setback and required building frontage requirements to the maximum extent feasible. The following standards are considered the minimum acceptable requirements. Where an existing building is being modified, the standards apply to the ground level, street-facing façade of the entire building.



Notes:

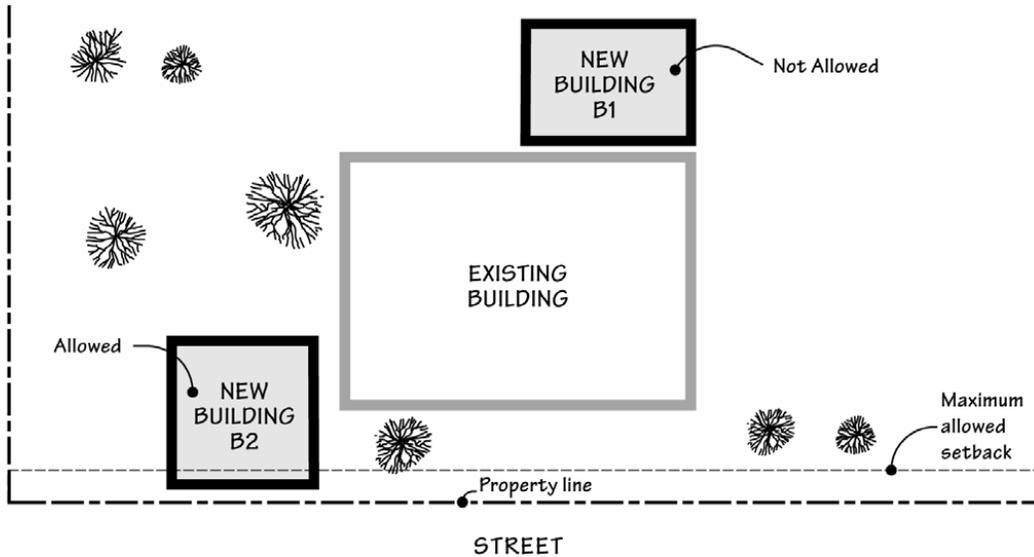
Addition A1. Not subject to maximum setback standard because addition has no street-facing facade.

Addition A2. Brings building closer to conformance with maximum setback standard because it does not increase the length of the street-facing facade, and it brings building closer to maximum building setback line.

Addition A3. Because addition increases length of street-facing facade, 100 percent of addition must be within maximum setback until maximum setback standard for entire building is met.

3.10.3 Permitted New Buildings

New buildings shall meet the maximum setback and required building frontage requirements to the maximum extent feasible. The following standards are considered the minimum acceptable requirements. Where an existing building is being modified, the standards apply to the ground level, street-facing façade of the entire building.



Notes:

New Building B1. Not allowed because it moves site further out of conformance with maximum setback standard.

New Building B2. Because building increases length of combined street-facing facade on the site, 100 percent of building facade must be within maximum setback until maximum setback standard for site is met.

Article 4. Streetscape and Street Standards

4.1 STREETScape

4.1.1 Purpose

The streetscape standards ensure the coherence of the street-space. They also serve to assist building owners and operators with understanding the relationship between the street-space and their own lots. These streetscape standards define the development parameters for strips of land between buildings and the street, and includes on-site requirements (on private property outside of the public right-of-way) and off-site requirements (on public property inside of the public right-of-way). These standards also establish an environment that encourages and facilitates pedestrian activity. Native trees and plants contribute to privacy, reduction of noise and air pollution, maintenance of the natural habitat, and conservation of water.

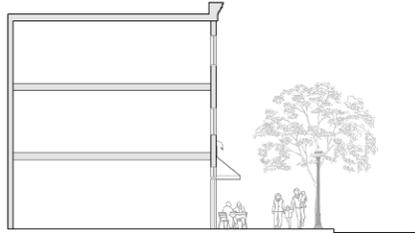
4.1.2 Streetscape Plates

The streetscape requirements vary based on the development characteristics adjacent to the street as set forth below. There are six streetscape plate categories as follows:

TYPE A. Building adjacent to street (no parking between building and street).

Type A-1. Sidewalk (trees planted in grates).

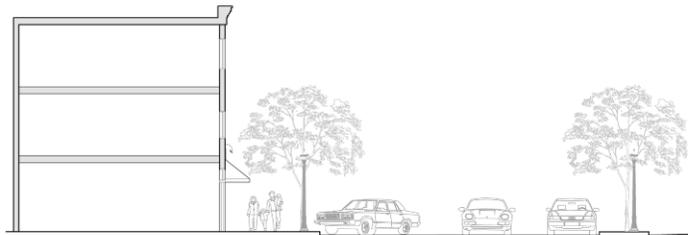
Type A-2. Sidewalk, tree lawn.



TYPE B. Parking area adjacent to street with maximum building setback of 60 feet (parking between building and street).

Type B-1. Parallel parking, trees planted in grates.

Type B-2. Parallel parking, tree lawn.



TYPE C. Parking area adjacent to street with maximum building setback of 80 feet (parking between building and street).

Type C-3. Head-in parking, buffer, sidewalk (trees planted in grates).

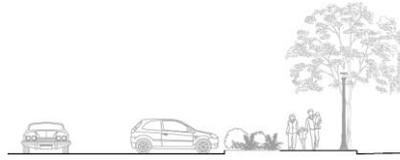
Type C-2. Head-in parking, buffer, sidewalk, tree lawn.



TYPE D. Parking area adjacent to street with no maximum building setback (parking between building and street).

Type D-1. Head-in parking, buffer, sidewalk (trees planted in grates).

Type D-2. Head-in parking, parking buffer, sidewalk, tree lawn.



TYPE E. Open portion of site adjacent to street (no building or parking area within 35 feet of the right-of-way).

Type E-1. Sidewalk, tree lawn.



TYPE F. Single-family detached, single-family attached and large home sites.

Type F-1. Sidewalk, street tree planted in tree lawn adjacent to street.

Type F-2. Street tree planted in front yard.



4.1.3 Applicability

The following streetscape plates shall be installed along public and private street abutting the subject property. Where more than one plate is allowed, the appropriate plate shall be determined in consultation with the Planning Director.

Type of Development/Zoning District	4.1.6A A-1	4.1.6B A-2	4.1.7A B-1	4.1.7B B-2	4.1.8A C-1	4.1.8B C-2	4.1.9A D-1	4.1.9B D-2	4.1.10A E-1	4.1.11A F-1	4.1.11B F-2
Designated Frontage (see 3.9.6)											
Pedestrian Frontage	■	■									
Urban Frontage	■	■									
General Frontage			■	■							
Commercial Frontage					■	■					
Nonresidential District											
OG, CMP-1, CMP-2	■	■	■	■	■	■	■	■	■		
CMU-1, CMU-2, CMU-3 (inside the loop)	■	■	■	■	■	■					
CMU-1, CMU-2, CMU-3 (outside the loop)	■	■	■	■	■	■					
CBD	■	■									
EMP, WD, IH	■	■	■	■	■	■	■	■	■		
Residential Suburban District (RS-)											
Conventional, Side Yard, Cottage, Semi-Attached, Two-Family, Large Home										■	■
Townhouse, Stacked Townhouse, Apartment	■	■	■	■	■	■					
Nonresidential Uses							■	■	■		
Residential Urban District (RU-)											
Conventional, Side Yard, Cottage, Semi-Attached, Two-Family, Large Home										■	
Townhouse, Stacked Townhouse, Apartment	■	■	■	■							
Nonresidential Uses							■	■	■		
Residential Single-Family District											
RM-P, R-E, R-15, R-10, R-8, R-6, R-3										■	■
Nonresidential Uses							■	■	■		
Open District											
OS, FW, CA							■	■	■		
CIV	■	■	■	■	■	■	■	■	■		

4.1.4 Alternative Compliance

- A. An alternative to the required streetscape plates may be authorized by the Land Use Control Board through the special exception process (see 10.13).
- B. Alternate streetscape plates may apply as part of the MPO Long Range Transportation Plan.

4.1.5 Specific Requirements

All required streetscape elements shall be installed prior to the issuance of a certificate of occupancy. A temporary certificate of occupancy may be issued under circumstances that would affect the planting of street trees (see 7.4.4E).

A. Clear Sight Triangle

At the intersection of a driveway and a street and on all corner lots (the intersection of two streets), a clear sight triangle shall be established as set forth in 3.2.5.

B. Overhead Utilities

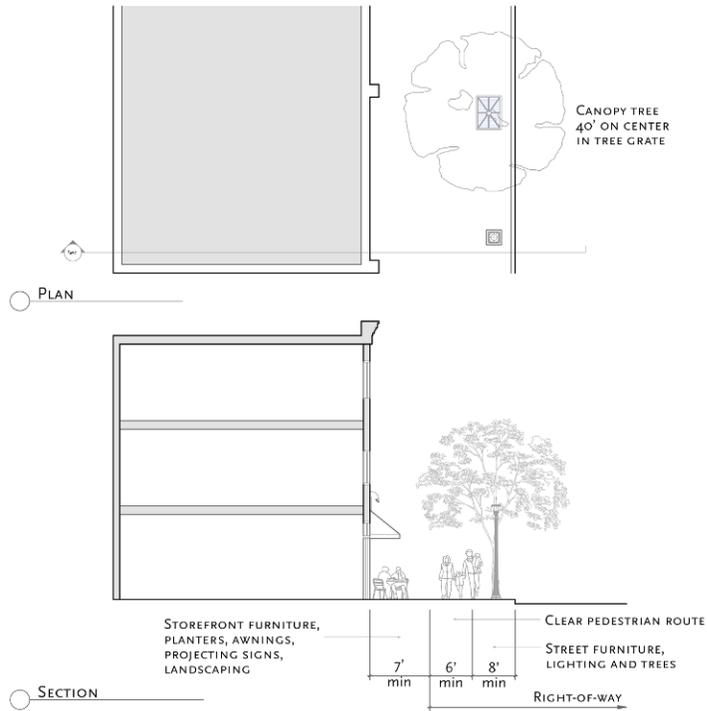
Where overhead utilities exist, an understory tree shall be used to replace any required canopy trees.

C. Landscaping Provisions

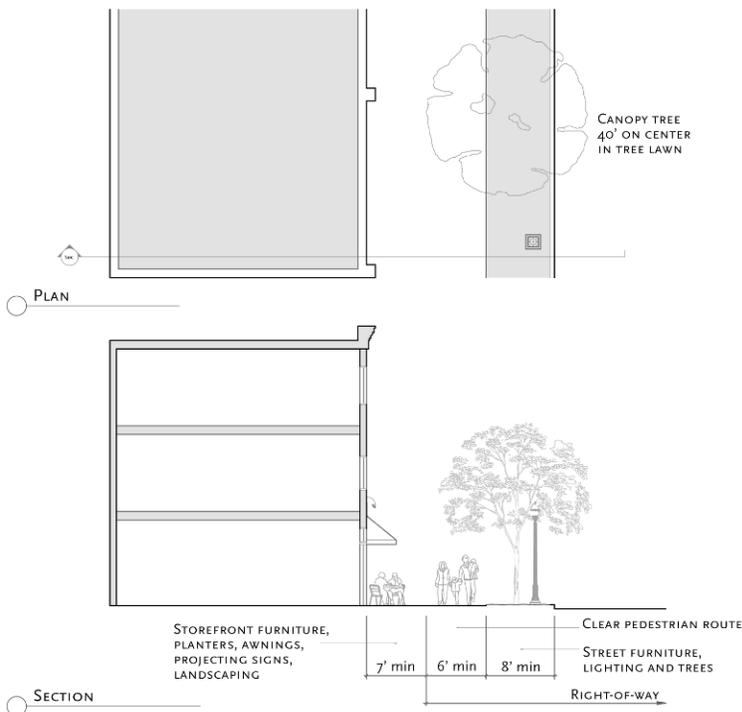
All elements of the streetscape plate shall meet the requirements of 7.4.4, General Provisions.

4.1.6 Type A - Streetscape Plates

A. Type A-1

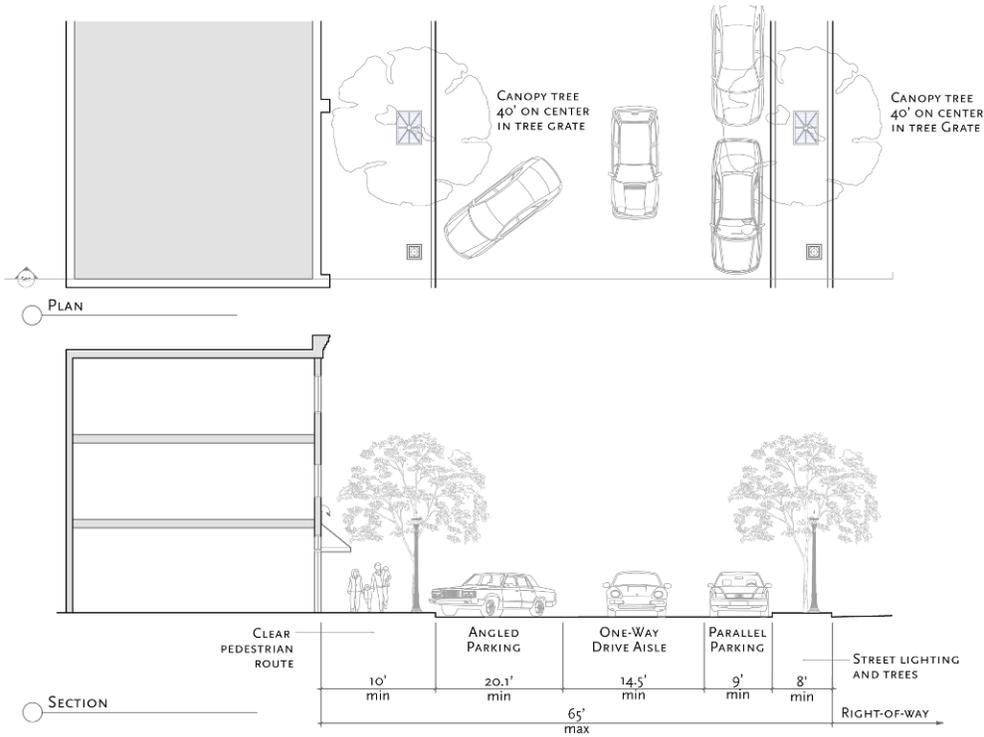


B. Type A-2

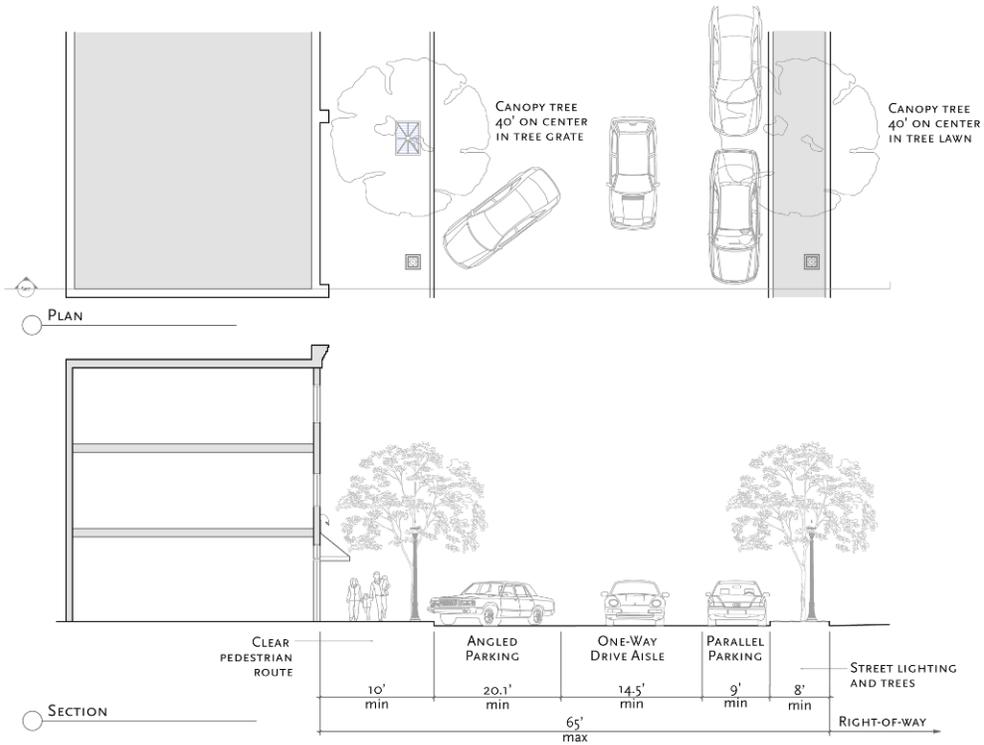


4.1.7 Type B - Streetscape Plates

A. Type B-1

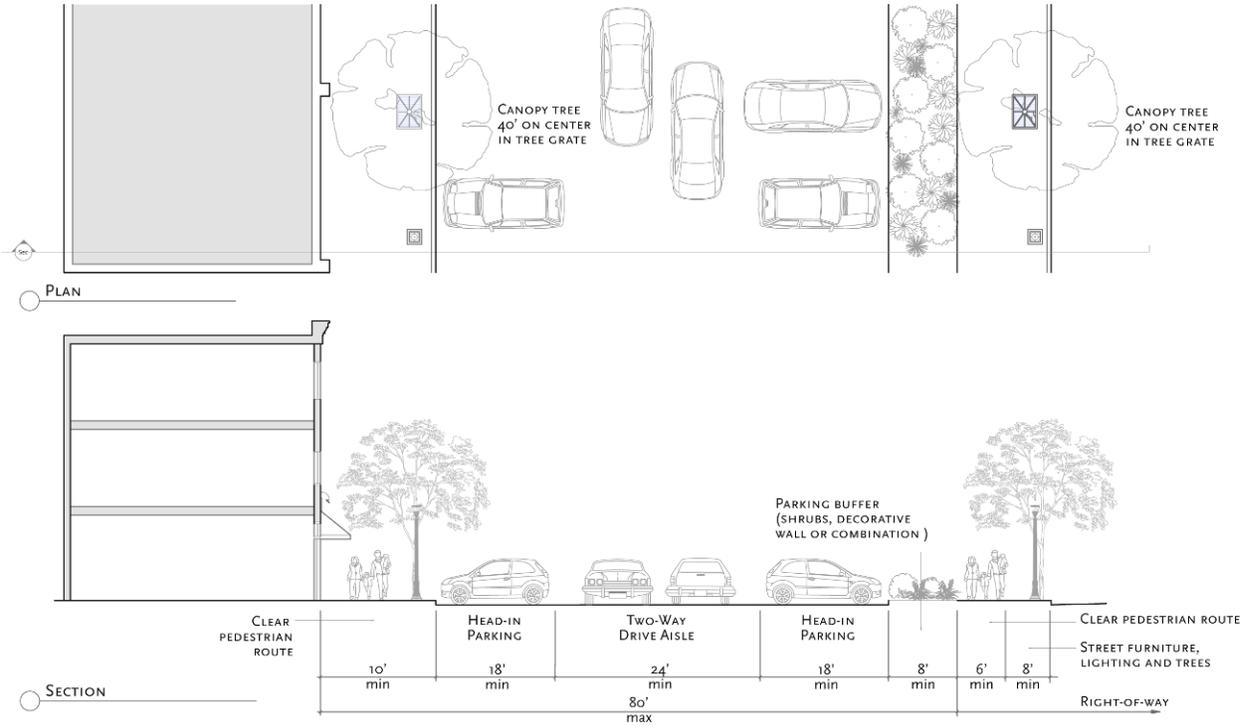


B. Type B-2

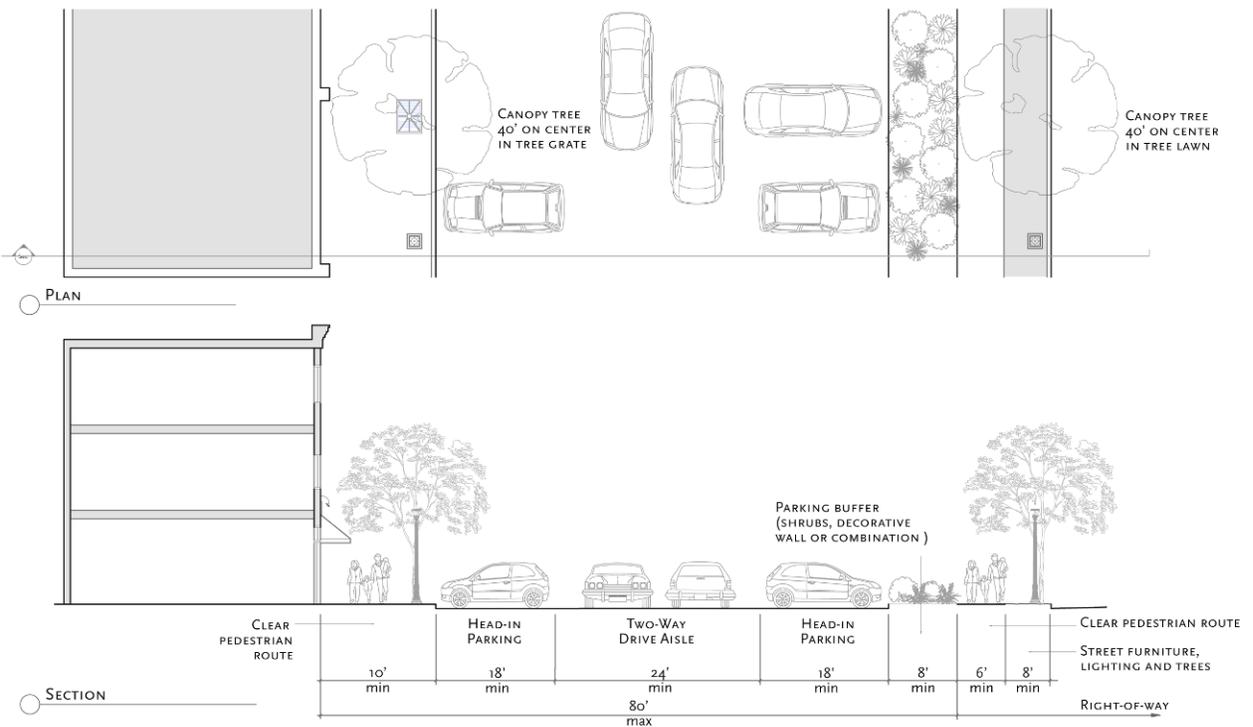


4.1.8 Type C – Streetscape Plates

A. Type C-1



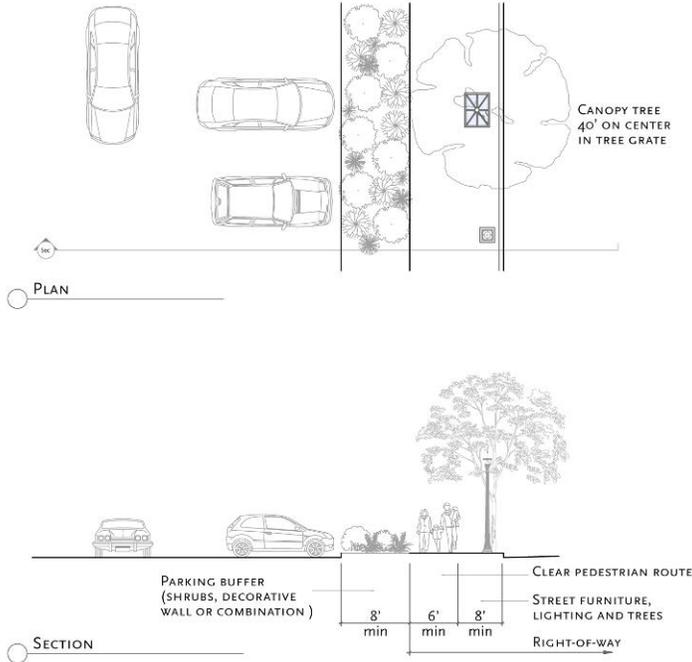
B. Type C-2



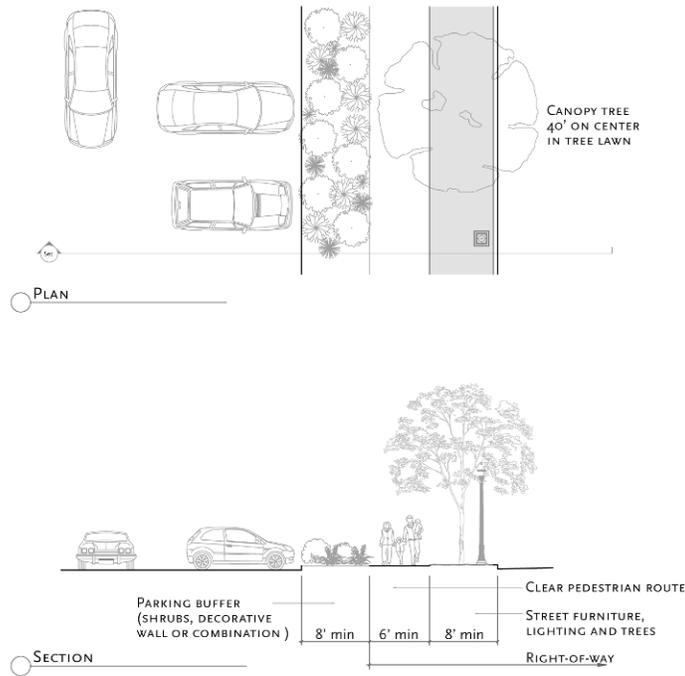
4.1.9 Type D – Streetscape Plates

See 7.3.5C.2 for interior parking lot landscaping requirements.

A. Type D-1

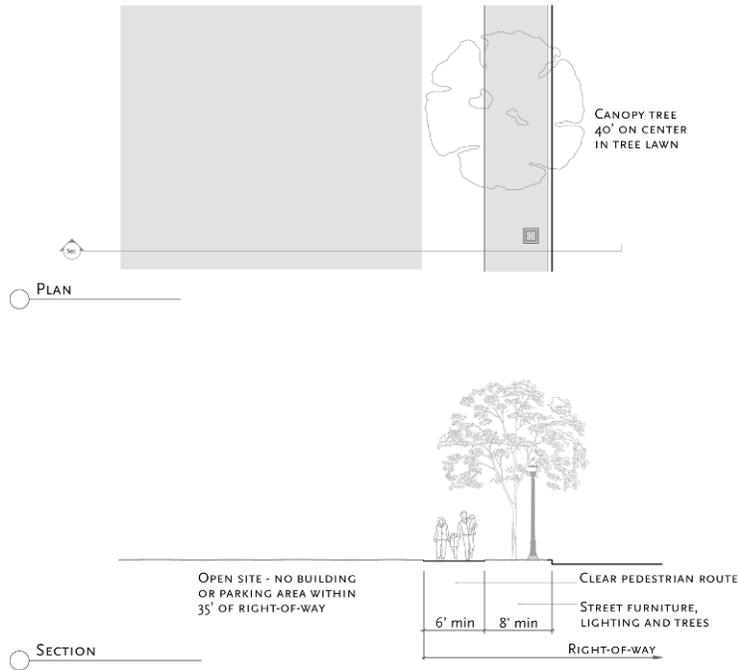


B. Type D-2



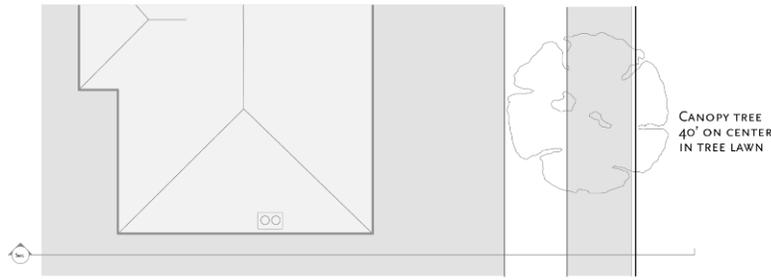
4.1.10 Type E – Streetscape Plates

A. Type E-1

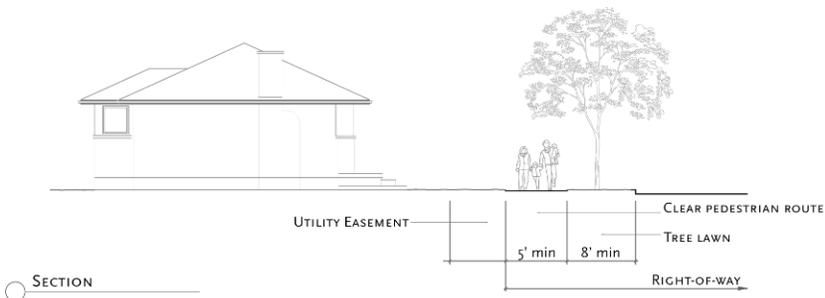


4.1.11 Type F – Streetscape Plates

A. Type F-1

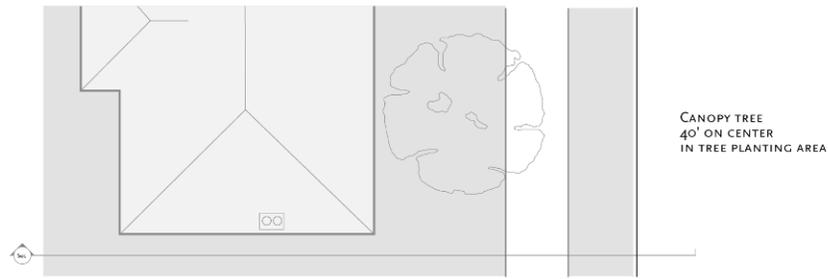


PLAN

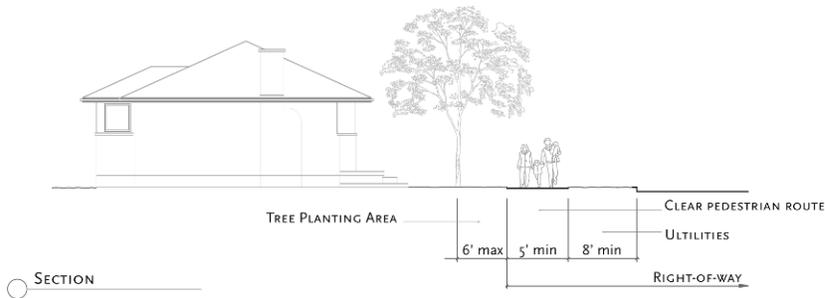


SECTION

B. Type F-2



PLAN



SECTION

4.2 PUBLIC STREETS

4.2.1 Purpose

New streets within City of Memphis and unincorporated Shelby County are intended to balance the needs of all types of traffic—auto, bicycle, and pedestrian—to maximize mobility and convenience for all City and County residents. While all streets in conjunction with the streetscape will appropriately balance pedestrian and automobile needs, their character will vary by specific location. Some streets will carry a large volume of both automobile and pedestrian traffic and provide a more intense experience while others will provide more intimately scaled street-space.

4.2.2 Applicability

The following specifications illustrate typical configurations for public streets. The City or County Engineer will configure and adjust the configurations as necessary for specific conditions. General requirements for the design and construction of public streets are listed in Article 9, Infrastructure and Public Improvements. Requirements for private streets are listed in 9.2.9.

4.2.3 Clear Sight Triangle

At the intersection of a driveway and a street and on all corner lots (the intersection of two streets), a clear sight triangle shall be established as set forth in 3.2.5.

4.2.4 Arterial Streets

Dimensional requirements for arterials are listed in the MPO Long Range Transportation Plan. Streets having the primary purpose of carrying through traffic and the secondary purpose of providing access to abutting properties. Arterial streets may be further classified as follows:

A. Limited Access Arterial

Streets and highways with the sole purpose of carrying through traffic with the highest degree of mobility and safety. These roads provide no direct access to abutting properties.

B. Principal Arterial

Streets and highways serving major metropolitan activity centers, the highest traffic volume corridors, the longest trip desires, and a high proportion of total urban area travel on a minimum of mileage. Service to abutting land should be subordinate to the provision of travel service to major traffic movements. This system carries the major portion of trips entering and leaving an urban area, as well as the majority of through movements desiring to bypass the central city, and normally will carry important intraurban as well as intercity bus routes.

C. Minor Arterial

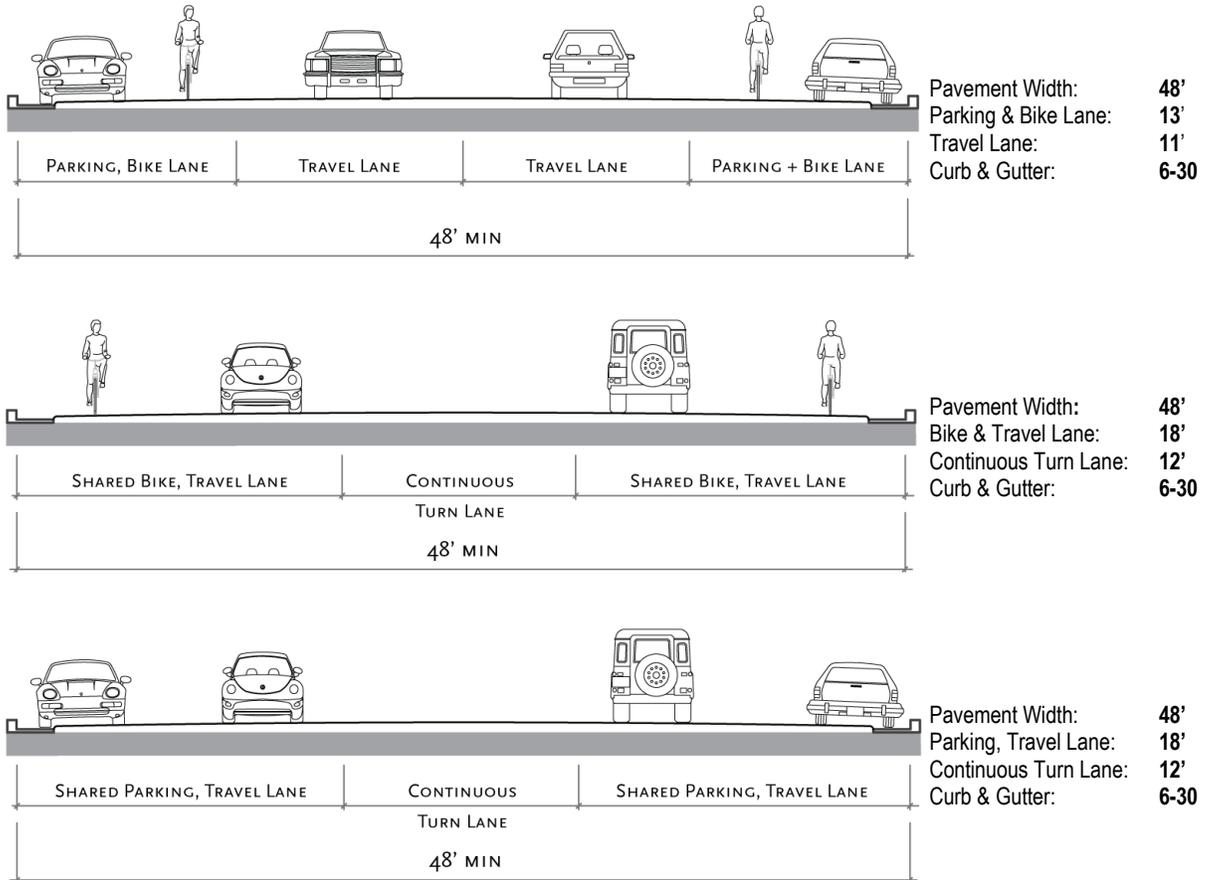
Streets and highways interconnecting with and augmenting the principal arterial system and providing service to trips of moderate length at a somewhat lower level of travel mobility. The system places more emphasis on land access and distributes travel to geographic areas smaller than those identified with the higher system. It includes all arterials not classified as principal or limited access roads.

4.2.5 Collector Streets

Streets penetrating neighborhoods, collecting traffic from local streets and channeling it into the arterial systems. A minor amount of through traffic may be carried on collector streets, but the system primarily provides service access and carries local traffic movements within residential neighborhoods, or commercial and industrial areas. It may also serve local bus routes. Collector streets may be further classified as follows:

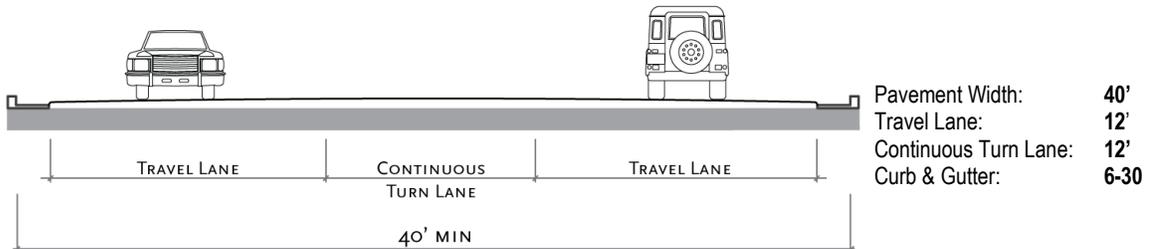
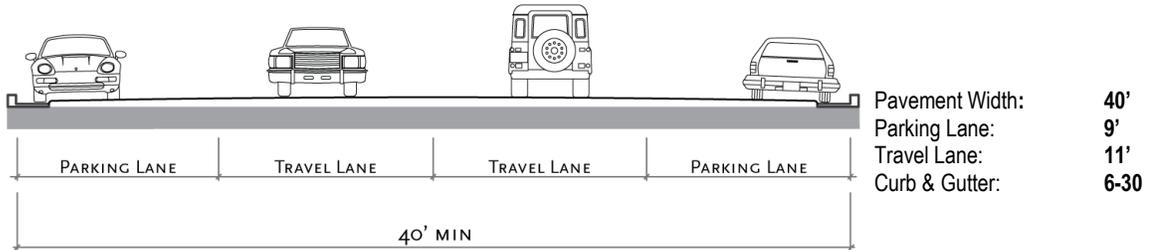
A. Major Collector

Streets serving commercial and industrial areas, or large volumes of residential traffic. All cul-de-sac streets serving nonresidential areas shall be classified as major collectors except as specified as a minor collector.



B. Minor Collector

Streets serving moderate volumes of residential traffic, and cul-de-sacs serving office uses generating less than 1,000 vehicular trips per day.

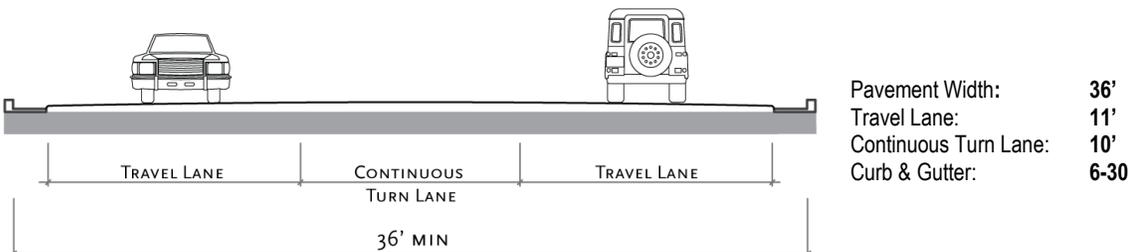
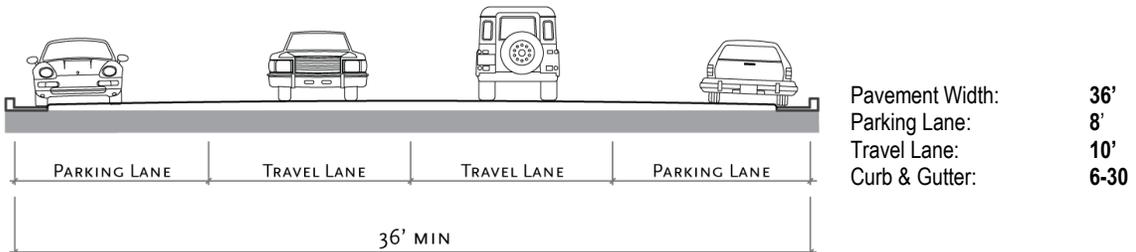


4.2.6 Local Streets

Residential streets not classified in a higher system, primarily providing direct access to abutting land and to collector streets. They offer the lowest level of mobility and usually carry no bus routes. Service for through traffic is deliberately discouraged. Local streets may be further classified as follows:

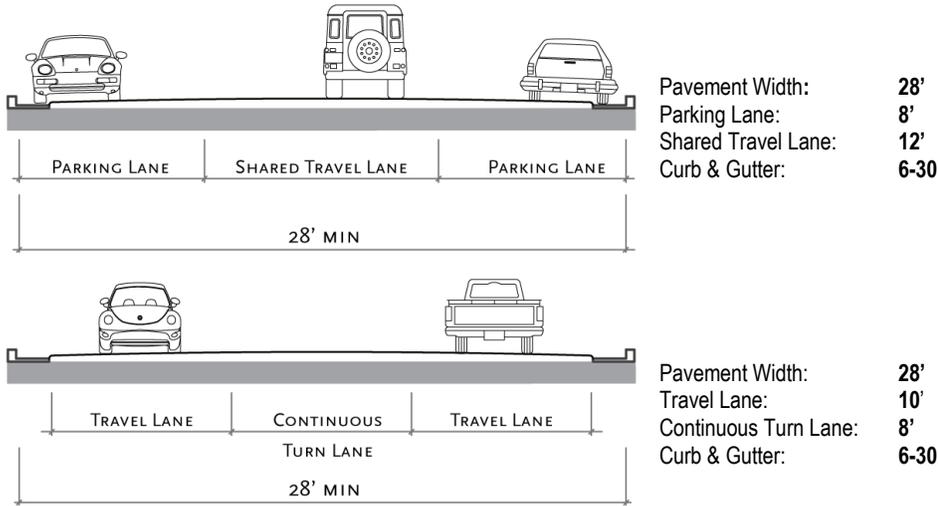
A. Major Local

Streets providing access to abutting residential property and service to other residential streets at a somewhat lower level of mobility than collector streets.



B. Minor Local

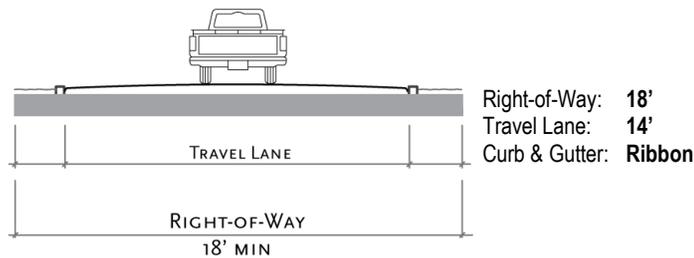
Streets similar to major local streets but serving a smaller number of dwelling units; minor local streets provide the minimum level of mobility for two-way traffic.



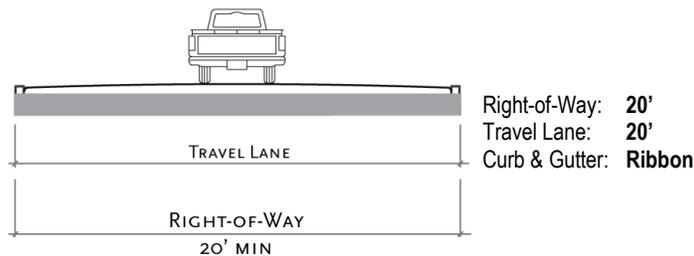
4.2.7 Alley

A public or private right-of-way designed to serve as a secondary means of access to the side or rear of those properties whose principal frontage is on a street.

A. Residential Alley



B. Commercial Alley



4.2.8 Medians

Medians can be used on Major Collectors, Minor Collectors and Major Locals. Medians shall be a minimum of eight feet in width. Street cross-sections that incorporate medians shall include additional right-of-way to accommodate the median. A continuous turn lane may be modified to accommodate a median as permitted by the City or County Engineer. Planting of street trees and shrubs in the median may be permitted by the City or County Engineer.

[graphic]

Article 5. Special Purpose Districts

5.1 SOUTH CENTRAL BUSINESS IMPROVEMENT DISTRICT (SCBID)

5.1.1 Sports and Entertainment (SE) District

A. Boundaries

Beginning at the intersection of Madison Avenue and Lauderdale Street and proceeding south on Lauderdale Street to a point approximately at the mid-point between Linden Avenue and Pontotoc Avenue; thence west on an irregular line approximately mid-block between Linden Avenue and Pontotoc Avenue to Third Street; thence south on Third Street to Pontotoc Avenue; thence west on Pontotoc Avenue to Second Street; thence north on Second Street to Linden Avenue; thence west on Linden Avenue to Front Street; thence north on Front Street to Beale Street; thence east on Beale Street to Second Street; thence north on Second Street to a point approximately mid-block between Madison Avenue and Court Avenue; thence east approximately mid-point on an irregular line to Danny Thomas Boulevard; thence south on Danny Thomas Boulevard to Madison Avenue; thence east from Madison Avenue to Lauderdale Street and the point of beginning.

*** (The Beale Street Historic District is excluded from the SE District)

B. Purpose and Intent of District

This district is intended to permit a mixture of uses and activities that will complement the sports and entertainment facilities that are located in this area.

C. Permitted Uses

1. Residential

- Single Family Detached Dwellings
- Single Family Attached Dwellings
- Duplex Dwellings
- Townhouse Dwellings
- Multiple Family Dwellings
- Accessory Dwelling Unit

2. Additional Uses Permitted

- Retail Sales
- Retail Shop, Other
- Parking Garage
- Hotel (subject to site plan review by the legislative body)
- School, public or private
- Amusements, commercial indoor
- Art or Photo Studio or Gallery
- Barber or Beauty Shop
- Bank
- Financial Services
- Used Goods, Second Hand Sales (Pawn Shops Not Included)
- Personal Service Establishment (Does Not Include Adult Entertainment)
- Offices
- Music or Dancing Academy
- Bakery, retail
- Department or Discount Store
- Public Building
- Park
- Museum
- Restaurant With/Without Alcohol Sales
- Bed and Breakfast
- Catering Establishment
- Tavern, Cocktail Lounge, Night Club

Processing and manufacturing incidental to retail establishment
Group Day Care
Day Care Center
Nursery School
Printing and Publishing
Radio or TV Studio
Flower or Plant Store
College or University
Sports Facility
Church
Health Club
Philanthropic Institution

3. Special Use Permit

The following use requires the approval of a Special Use Permit:
Retail Sales, Outdoor

D. Additional Requirements

1. Adult Entertainment shall not be permitted.
2. Any building, structure, or use is subject to the landscaping requirements of Section 32 (Landscaping Ordinance).
3. A drive through window shall not be permitted.
4. Subject to the General Standards set forth in the "Site Plan Review Requirements" portion of Section 35, surface parking lots are not allowed unless as accessory to a principal use permitted by the SE District or as approved by Special Exception.
5. All existing uses that are not in conformance with the requirements of the SE District at the time of adoption shall be governed by Section 30 of the Zoning Ordinance ("NONCONFORMITIES" Section).
6. Ground floor commercial use or public space shall be required in parking garages subject to the criteria listed in the SCBID Site Plan Review Specific Guidelines.
7. All new construction shall be subject to site plan review in accordance with the SCBID Site Plan Review Process and Criteria.

E. Bulk Regulations

1. Building Setbacks: Shall be subject to site plan review in accordance with the SCBID Site Plan Review Process and Criteria.
2. Maximum Density: None
3. Maximum Height: 90 feet or 8 stories and shall be subject to site plan review in accordance with the SCBID Site Plan Review Process and Criteria.
4. A building or structure exceeding 90 feet or 8 stories may be allowed subject to the approval of a Special Exception by the Land Use Control Board (with appeal to the City Council) and conformance with the Site Plan Review Requirements.

F. Parking Requirements

1. Any building, structure, or use is exempt from the off-street parking and loading requirements of Section 28 of the Zoning Ordinance provided, however, that if off-street parking and loading are provided, they shall comply with the geometric requirements of Section 28.
2. Parking lots and garages shall be landscaped with Plate A-6, A-7, or an equivalent streetscape approved by the Office of Planning and Development. All other screening requirements in Section 32 (Landscaping Ordinance) are also applicable to parking lots and garages.
3. The Land Use Control Board may approve modifications to any parking requirements in accordance with the Special Exception Requirements.

5.1.2 South Main (SM) District

A. Boundaries

All of the existing South Main Special District and extended on the east side to run east along Pontotoc Avenue to Third Street; thence south along Third Street to Vance Avenue; thence east on Vance Avenue to Abel Street; thence south on Abel Street to G.E. Patterson Street; thence west on G.E. Patterson Street to Second Street; thence south on Second Street to Webster Avenue; thence approximately 500 feet west on Webster Avenue to the existing south boundary of the SMSD Zoning District; thence south to Carolina Avenue; thence west approximately 500 feet to a point; thence northwest approximately 500 feet to the intersection of Georgia Avenue and Front Street; thence north on Front Street to the existing SMSD Zoning District. Also included is the area bordered by Beale Street to the north, an east-west alley approximately 170 feet south of Beale Street between Wagner Place and South Front Street to the south, South Front Street to the east, and Wagner Place to the west.

B. Purpose and Intent of District

The purpose of the South Main District is to protect the unique character of this area while using it as a catalyst to encourage similar development south of the existing district that was established as a zoning district in 1988. To this end, these regulations seek to maintain and redefine the uses to ensure that the special ambience abundant in the existing South Main Special District and historical character of the area is complimented by new development. Specifically, the district goals remain largely the same as adopted in 1988 and the following specific purposes as adopted then remain largely the same which are:

1. To preserve and strengthen the South Main Area, the South Main Historic District, and the cultural character of the area.
2. To promote a harmonic redevelopment of the area consistent with the scale and character of existing mixed uses in the area.
3. To encourage the development and redevelopment of residential uses, and small scale commercial, and office uses, thereby strengthening the City's tax base.
4. To promote the mixed uses character of the area and to prohibit or discourage large-scale uses as well as incompatible uses.
5. To preserve, maintain and enhance the existing scale of the street, building and open space features.
6. To provide and encourage amenities, such as public open space and street trees to improve the physical environment.

C. Permitted Uses

1. Residential

Single Family Detached Dwellings
 Single Family Attached Dwellings
 Duplex Dwellings
 Townhouse Dwellings
 Multiple Family Dwellings
 Accessory Dwelling Unit

2. Additional Uses Permitted

Church
 Museum
 Park
 Philanthropic Institution
 Public Building
 School, Public or Private
 Amusements, Commercial Indoor
 Art or Photo Studio or Gallery
 Bakery, Retail
 Bank
 Barber or Beauty Shop
 Bed and Breakfast
 Business School

Catering Establishment
Cleaning Establishment
Cleaning Pickup Station
Financial Services
Flower or Plant Store
Greenhouse or Nursery, Commercial
Hotel (subject to site plan review by the legislative body)
Lodge, Club, Country Club
Music or Dancing Academy
Offices
Parking Garage
Used Goods, Second Hand Sales (Does not include Pawn Shop)
Personal Service Establishment (Does not include Adult Entertainment)
Photo Finishing
Photo Finishing Pickup Station
Private Sales
Processing and Manufacture Incidental to Retail Establishment (Footnote: Only a maximum of 75% of the building may be used for manufacturing and the manufacturing portion shall not be located at the street frontage.)
Radio or TV studio
Restaurant With/Without Alcohol Sales
Retail Sales
Retail Shop, other
Services, other Business & Personal
Tavern, Cocktail Lounge, Night Club up to 125 seats
Undertaking, Funeral Establishment
Veterinary Clinic (Without Outdoor Boarding)

3. Special Use Permit

The following uses are subject to the approval of a Special Use Permit:

Gasoline Service Stations
Retail Sales, Outdoors
Self-Storage Facilities
Tavern, Cocktail Lounge, Night Club with greater than 125 seats

D. Additional Requirements

1. Adult Entertainment shall not be permitted.
2. Any building, structure, or use is subject to the landscaping requirements of Section 32 (Landscaping Ordinance).
3. The maximum amount of street frontage shall be 100 linear feet. On corner lots, the maximum street frontage shall be 100 feet on each street. The Land Use Control Board may approve a greater amount of street frontage in accordance with the SCBID Special Exception Standards.
4. In an existing building, the maximum street frontage for a use may exceed 100 linear feet. However, if the street frontage of a use in an existing building is decreased, the street frontage of a use may not thereafter increase to more than 100 linear feet without obtaining a Special Exception.
5. A drive through window shall not be permitted.
6. Subject to the General Standards set forth in the "Site Plan Review Requirements" portion of Section 35, surface parking lots are not allowed unless as accessory to a principal use permitted by the SM District or as approved by Special Exception.
7. All existing uses that are not in conformance with the requirements of the SMS District at the time of adoption shall be governed by Section 30 of the Zoning Ordinance ("NONCONFORMITIES" Section).
8. All new construction shall be subject to site plan review in accordance with the SCBID Site Plan Review Process and Criteria.

E. Bulk Regulations

1. Building Setbacks: Shall be subject to site plan review in accordance with the SCBID Site Plan Review Process and Criteria.
2. Maximum Density
 - a. For new residential construction – 40 dwelling units per acre.
 - b. For mixed use developments- 60 dwelling units per acre
 - c. For existing buildings – None
3. Maximum Height: 90 feet or 8 stories and shall be subject to site plan review in accordance with the SCBID Site Plan Review Process and Criteria. A building or structure exceeding 90 feet or 8 stories may be allowed subject to approval of a Special Exception by the Land Use Control Board (with appeal to the City Council) and conformance with the Site Plan Review Requirements.

F. Parking Requirements

1. Any building, structure, or use is exempt from the off-street parking and loading requirements of Section 28 of the Zoning Ordinance provided, however, that if off-street parking and loading are provided, they shall comply with the geometric requirements of Section 28.
2. Parking lots and garages shall be landscaped with Plate A-6, Plate A-7, or an equivalent streetscape approved by the Office of Planning and Development. All other screening requirements in Section 32 (Landscaping Ordinance) are also applicable to parking lots and garages.
3. The Land Use Control Board may approve modifications to any parking requirements in accordance with the Special Exception Requirements.

5.1.3 South Downtown Residential (R-SD)**A. Boundaries**

(North of Crump Boulevard) Beginning on Lauderdale Street at a point approximately mid-block between Linden Avenue and Pontotoc Avenue; thence south on Lauderdale Street to Vance Avenue; thence west on Vance Avenue to Danny Thomas Boulevard; thence south on Danny Thomas Boulevard to Mississippi Boulevard; thence northwest on Mississippi Boulevard to G.E. Patterson Street; thence west approximately 240 feet on G.E. Patterson Street; thence south to Webster Avenue; thence east along Webster Avenue to a point approximately 140 feet west of Danny Thomas Boulevard; thence south to Georgia Avenue; thence west on Georgia Avenue to Hernando Street; thence south on Hernando Street approximately 150 feet; thence west from Hernando Street to Third Street; thence north along Third Street to G.E. Patterson Street; thence east along G.E. Patterson Street to Abel Street; thence north on Abel Street to Vance Avenue; thence west on Vance Avenue to Third Street; thence north on Third Street to the south boundary of the SE Zoning District; thence east along an irregular line shared with the SE Zoning District to the point of beginning.

(South of Crump Boulevard) Beginning at a point at the intersection of E.H. Crump Boulevard and Wellington Street and extending south on Wellington Street to Williams Avenue; thence west to Willoughby Street; thence south to McEwen Street; thence west on McEwen Street to Wallace Street; thence west of Wallace Street on an irregular line to Latham Street; thence north of Latham Street to Alston Street; thence west on Alston Street to Third Street; thence north on Third Street approximately 190 feet; thence east to Latham Street; thence north to E.H. Crump Boulevard; thence east on E.H. Crump Boulevard to Wellington Avenue and the point of beginning.

B. Purpose and Intent of District

The purpose of this district is to encourage new residential neighborhood development in the South Downtown Area.

C. Permitted Uses

Single Family Detached Dwellings
 Single Family Attached Dwellings
 Duplex Dwellings
 Multiple Family Dwellings
 Church
 Park
 School, Public or Private

D. Additional Uses Permitted

Uses in accordance with the Neighborhood Commercial (C-N) District shall be permitted throughout the remainder of the R-SD District subject to approval of a Special Exception by the Land Use Control Board (LUCB) and the following criteria:

1. Any non-residential use should be on the first floor of a two (2) story or greater building. Any non-residential uses above the ground floor may be permitted subject to the approval of a Special Exception by the Land Use Control Board.
2. Preference shall be given to location within 100 feet of a street intersection. Properties beyond 100 feet of a street intersection will be strongly discouraged.
3. Preference shall be given to existing buildings.
4. Maximum floor area per non-residential establishment (excluding a church or a school) shall be 4,000 square feet.
5. Parking shall be located at the side or rear of a building and not between the building and the street.

E. Additional Requirements

1. Adult Entertainment shall not be permitted.
2. Any building, structure, or use is subject to the landscaping requirements of Section 32 (the Landscaping Ordinance).
3. Subject to the General Standards set forth in the "Site Plan Review Requirements" portion of Section 35, surface parking lots are not allowed unless as accessory to a principal use permitted by the R-SD District or as approved by Special Exception
4. A drive-through window shall not be permitted.
5. All existing uses that are not in conformance with the requirements of the R-SD District at the time of adoption shall be governed by Section 30 of the Zoning Ordinance ("NONCONFORMITIES" Section).
6. All new construction shall be subject to site plan review in accordance with the SCBID Site Plan Review Process and Criteria.

F. Bulk Regulations

1. Building Setbacks: Shall be subject to site plan review in accordance with the SCBID Site Plan Review Process and Criteria.
2. Maximum Density
 - a. New residential construction—40 dwelling units per acre
 - b. Existing building – None
 - c. Maximum Height – Four (4) Stories

G. Parking Requirements

1. Any building, structure, or use is exempt from the off-street parking and loading requirements of Section 28 of the Zoning Ordinance provided, however, that if off-street parking and loading are provided, they shall comply with the geometric requirements of Section 28.
2. Parking lots and garages shall be landscaped with Plate A-6, Plate A-7, or an equivalent streetscape approved by the Office of Planning and Development. All other screening requirements in Section 32 (Landscaping Ordinance) are also applicable to parking lots and garages.
3. The Land Use Control Board may approve modifications to any parking requirements in accordance with the Special Exception requirements.

5.1.4 Riverside Residential (R-R) District

A. Boundaries

Starting at the Harahan Bridge and running north with the Mississippi River to Beale Street; thence turning east on Beale Street; thence turning south on Riverside Drive to the point where G.E. Patterson Street would intersect Riverside Drive; thence turning east along the extended point of G.E. Patterson Street to Tennessee Street; thence south on Tennessee Street to Georgia Avenue and west along Georgia Avenue to Riverside Drive; thence turning south along Riverside drive to the CSX Railroad Tracks to the Mississippi River and the point of beginning.

B. Purpose and Intent of District

The purpose of the Riverside Residential District is to ensure that the river front will be an active, urbane waterfront, while reinforcing the residential development along the southern end of downtown and protecting the unique views of the Mississippi River. The increases in density will provide for a more efficient utilization of public facilities and environmental amenities and resources.

C. Permitted Uses**1. Residential**

Single Family Detached Dwellings
Single Family Attached Dwellings
Duplex Dwellings
Townhouse Dwellings
Multiple Family Dwellings

2. Additional Uses Permitted

Church
Park
School, Public or Private

The following uses are permitted only south of Channel 3 Drive and only south of Martyrs Park which includes the existing building known as 803 Channel 3 Drive: Radio or TV Studio; Offices; Public Buildings; Museum; Philanthropic Institution; Church.

D. Additional Requirements

1. Adult Entertainment shall not be permitted.
2. Any building, structure, or use is subject to the landscaping requirements of Section 32 (Landscaping Ordinance).
3. Subject to the General Standards set forth in the "Site Plan Review Requirements" portion of Section 35, surface parking lots are not allowed unless as accessory to a principal use permitted by the R-R District or as approved by Special Exception.
4. All existing uses that are not in conformance with the requirements of the R-R District at the time of adoption shall be governed by Section 30 of the Zoning Ordinance ("NONCONFORMITIES" Section).
5. All new construction shall be subject to site plan review in accordance with the SCBID Site Plan Review Process and Criteria.

E. Bulk Regulations

1. Building Setbacks: Shall be subject to site plan review in accordance with the SCBID Site Plan Review Process and Criteria.
2. Maximum Density: None
3. Maximum Height: Shall be subject to site plan review in accordance with the SCBID Site Plan Review Process and Criteria.

F. Parking Requirements

1. Any building, structure, or use is exempt from the off-street parking and loading requirements of Section 28 of the Zoning Ordinance provided, however, that if off-street parking and loading are provided, they shall comply with the geometric requirements of Section 28.
2. Parking lots and garages shall be landscaped with Plate A-6, Plate A-7, or an equivalent streetscape approved by the Office of Planning and Development. All other screening requirements in Section 32 (Landscaping Ordinance) are also applicable to parking lots and garages.
3. The Land Use Control Board may approve modifications to any parking requirements in accordance with the Special Exception requirements.

5.1.5 Bluffview Residential (R-B) District**A. Boundaries**

Starting at the intersection of Riverside Drive and Georgia Avenue turning east and running along Georgia Avenue to Tennessee Street; thence north on Tennessee Street to G.E. Patterson Street; thence east on G.E. Patterson

Street to front Street; thence south on Front Street to Georgia Avenue; thence southeast from Front Street to Carolina Avenue; thence east on Carolina Avenue approximately 500 feet; thence north on Webster Avenue; thence east on Webster Avenue to Second Street; thence north on Second Street to G.E. Patterson Street; thence east on G.E. Patterson Street to Third Street; thence south on Third Street to the CSX Railroad; thence west along the CSX Railroad approximately 1,550 feet to a point; thence south to E.H. Crump Boulevard; thence west along E.H. Crump Boulevard to Florida Street; thence north on Florida Street approximately 170 feet; thence west along an irregular line comprised of the rear parcel lines of parcels along E.H. Crump Boulevard from Florida Street to the Interstate 55 Interchange with E.H. Crump Boulevard; thence north to Virginia Avenue; thence west and northwest along the Interstate 55 right-of-way to Riverside Drive; thence north on Riverside Drive to Georgia Avenue and the point of beginning.

B. Purpose and Intent of District

1. Building Objectives (Existing and New Construction):

- a. Retention of historic buildings.
- b. Preservation and restoration of historic elements.
- c. New design that is compatible with and enhances the unique architectural and historic character of the district.

2. Land Use Objectives

To include a variety of land uses that are compatible with the existing buildings and complimentary to the unique architectural characteristics of the Loft Residential Area.

3. Public Amenity Objective

- a. To provide an attractive and comfortable environment with public amenities that will reinforce the unique architectural characteristics of the Loft Residential Area.
- b. Encourage housing, first floor retail, and corner store type neighborhood commercial establishments indicative of mix-use districts. This variety of land uses will increase the level of street activity and encourage an “around-the-clock” presence of people. Encourage land uses that are pedestrian-oriented and do not require severe alterations to historic structures in order to accommodate autos.

C. Permitted Uses

1. Residential

Single Family Detached Dwellings
Single family Attached Dwellings
Duplex Dwellings
Townhouse Dwellings
Multiple Family Dwellings
Accessory Dwelling Unit

2. Additional Uses Permitted

Bed & Breakfast
Church
Park
Philanthropic Institution
Art or Photo Studio or Gallery
Bakery (Retail)
Bank
Barber or Beauty Shop
Catering Establishment
Dry Cleaning Establishment
Dry Cleaning Pickup Station
Financial Services
Flower or Plant Store
Group Day Care
Day Care Center
Home Office

Hotel (subject to site plan review by the legislative body)
 Music or Dancing Academy or Studio
 Offices
 Parking Garage
 Personal Service Establishment (Does not include Adult Entertainment)
 Photo Finishing
 Public Uses
 Restaurant With or Without Alcohol Sales
 Retail Establishment
 Schools, Public or Private
 Tavern, Cocktail Lounge, Night Club (max. 4,000 sq. ft. in area)
 Veterinary Clinic (without Outdoor Boarding)

D. Additional Requirements

1. Adult Entertainment shall not be permitted.
2. Any building, structure, or use is subject to the landscaping requirements of Section 32 (Landscaping Ordinance).
3. Residential buildings may allow non-residential uses, but only on the ground floor. Any non-residential uses above the ground floor may be permitted subject to the approval of a Special Exception by the Land Use Control Board.
4. All new buildings shall be a minimum of two (2) stories.
5. A drive-through window shall not be permitted.
6. Subject to the General Standards set forth in the "Site Plan Review Requirements" portion of Section 35, surface parking lots are not allowed unless as accessory to a principal use permitted in the R-B District or as approved by Special Exception.
7. All existing uses that are not in conformance with the requirements of the R-B District at the time of adoption shall be governed by Section 30 of the Zoning Ordinance ("NONCONFORMITIES" Section).
8. All new construction shall be subject to site plan review in accordance with the SCBID Site Plan Review Process and Criteria.

E. Bulk Regulations

1. Building Setbacks: Shall be subject to site plan review in accordance with the SCBID Site Plan Review Process and Criteria.
2. Maximum Density: None
3. Maximum Height: 8 stories or 90 feet. All new buildings shall have a minimum height of two stories. Existing one-story buildings shall remain conforming buildings.

F. Parking Requirements

1. Any building, structure, or use is exempt from the off-street parking and loading requirements of Section 28 of the Zoning Ordinance provided, however, that if off-street parking and loading are provided, they shall comply with the geometric requirements of Section 28.
2. Parking lots and garages shall be landscaped with Plate A-6, Plate A-7, or an equivalent streetscape approved by the Office of Planning and Development. All other screening requirements in Section 32 (Landscaping Ordinance) are also applicable to parking lots and garages.
3. The Land Use Control Board may approve modifications to any parking requirements in accordance with the Special Exception requirements.

5.1.6 South Downtown Business Park (SDBP) District

A. Boundaries

Beginning at the southwest corner of Georgia Avenue and Wood Street; thence south on Wood Street to the CSX Railroad; thence west along the CSX Railroad to Fifth Street; thence south along the southerly projection of Fifth Street approximately 500 feet; thence west approximately 350 feet; thence south on Fourth Street approximately 200 feet; thence along the alley south of Virginia Avenue to Third Street; thence approximately 150 feet north to Virginia Avenue; thence west along Virginia Avenue approximately 2,450 feet; thence north to the CSX Railroad;

thence east along the CSX Railroad to Third Street; thence north along Third Street to a mid-point between Georgia Avenue and Carolina Avenue; thence east from this mid-point to Hernando Street; thence north on Hernando Street to Georgia Avenue; thence east on Georgia Avenue to Wood Street and the point of beginning.

B. Purpose and Intent of District

This district is intended to permit the development and continued maintenance of commercial and industrial uses while allowing various mixed uses and promoting economic development in the South Downtown Area.

C. Permitted Uses

1. Residential

Residential uses as an accessory use to the additional uses permitted below or Special Exception uses authorized by this district.

2. Additional Uses Permitted

- Automobile Service Station
- Art or Photo Studio or Gallery
- Bakery, Retail
- Bank
- Barber or Beauty Shop
- Beverage Container Collection Center
- Business School
- Catering Establishment
- Church
- Retail Cleaning Establishment
- Cleaning Pickup Station
- Financial Services
- Flower or Plant Store
- Parking Garage
- Hotel (subject to site plan review by the legislative body)
- General Service & Repair Shop
- Greenhouse or Nursery, Commercial
- Laboratories
- Lawn, Tree, or Garden Service
- Music or Dancing Academy
- Offices
- Photo Finishing
- Photo Finishing Pick Up Station
- Plumbing Shop
- Restaurant With or Without Alcohol Sales
- Processing and Manufacture Incidental to Retail Establishment
- Radio/TV Studio
- Sheet Metal Shop Without Outdoor Storage
- Warehouse
- Indoor Wholesale Display
- Philanthropic Institution
- Manufacture/Remanufacture of motor vehicles (inside a building)
- Retail Shop

3. Special Exception

- The following uses are subject to the approval of a Special Exception by the Land Use Control Board:
- Manufacture, Storage, Distribution of Cosmetics, Drugs, Paints
 - Contractors Storage (indoor)
 - Electrical or Electronic Equipment, Appliances & Instruments
 - Fabricated Metal Products & Machinery
 - Food/Beverage Products except Animal Slaughter, Stockyards, Rendering
 - Furniture & Fixtures
 - Jewelry, Silverware, Plated Ware, Musical Instruments, Toys,

Sporting Goods, Office, Art Supplies
 Leather & Leather Products except Tanning and Finishing
 Paper Products except Pulp Mills
 Printing & Publishing
 Rubber & Plastic Products, except Rubber Manufacture
 Textile, Apparel Products, Cotton Factoring, Grading
 Post Office
 Telephone Service Center
 Wholesale Establishment
 Expansion of existing outdoor storage of vehicles accessory to an existing business (new establishments featuring outdoor storage are prohibited)

D. Additional Requirements

1. Adult Entertainment shall not be permitted.
2. Any building, structure, or use is subject to the landscaping requirements of Section 32 (Landscaping Ordinance).
3. A drive through window shall not be permitted.
4. Subject to the General Standards set forth in the "Site Plan Review Requirements" portion of Section 35, surface parking lots are not allowed unless as accessory to a principal use permitted by the SDBP District or as approved by Special Exception.
5. All existing uses that are not in conformance with the requirements of the SDBP District at the time of adoption shall be governed by Section 30 of the Zoning Ordinance ("NONCONFORMITIES" Section).
6. Ground floor commercial use or public space shall be required in parking garages subject to the criteria listed in the SCBID Site Plan Review Specific Guidelines.
7. All new construction shall be subject to site plan review in accordance with the SCBID Site Plan Review Process and Criteria.

E. Bulk Regulations

1. Building Setbacks: Shall be subject to site plan review in accordance with the SCBID Site Plan Review Process and Criteria.
2. Maximum Density: None
3. Maximum Height: 4 Stories

F. Parking Requirements

1. Any building, structure, or use is exempt from the off-street parking and loading requirements of Section 28 of the Zoning Ordinance provided, however, that if off-street parking and loading are provided, they shall comply with the geometric requirements of Section 28.
2. Parking lots and garages shall be landscaped with Plate A-6, Plate A-7, or an equivalent streetscape approved by the Office of Planning and Development. All other screening requirements in Section 32 (Landscaping Ordinance) are also applicable to parking lots and garages.
3. The Land Use Control Board may approve modifications to any parking requirements in accordance with the Special Exception Requirements.

5.1.7 Gateway Commercial (C-G) District

A. Boundaries

Beginning at a point along the Interstate 55 right-of-way east along an irregular line comprised of the rear parcel lines of parcels along E.H. Crump Boulevard from the Interstate 55 Interchange with E.H. Crump Boulevard east to Florida Street; thence south on Florida Street to E.H. Crump Boulevard; thence along E.H. Crump Boulevard east approximately 500 feet; thence north to Virginia Street; thence east on Virginia Street to Third Street; thence south on Third Street to the alley south of Virginia Avenue; thence east along the alley approximately 830 feet; thence north to Fourth Street approximately 200 feet; thence east approximately 350 feet; thence north to the CSX Railroad; thence east to Wood Street; thence north on Wood Street to Georgia Avenue; thence west on Georgia Avenue approximately 100 feet; thence north to Webster Avenue; thence west on Webster Avenue to its terminus; thence north to G.E. Patterson Street; thence east on G.E. Patterson Street to Mississippi Boulevard; thence southeast on Mississippi Boulevard to Danny Thomas Boulevard; thence south along Danny Thomas Boulevard to

E.H. Crump Boulevard; thence west along E.H. Crump Boulevard to Latham Street; thence south on Latham Street at a mid-point between E.H. Crump Boulevard and Alston Street; thence west along an irregular line to Michigan Street; thence south along Michigan Street to Gilbert Avenue; thence west along a projection of Gilbert Avenue to the I.C. Railroad; thence northwest along the I.C. Railroad to approximately 700 feet; thence west to Florida Street; thence south along Florida Street to Illinois Avenue; thence west along Illinois Avenue to Kentucky Street; thence north on Kentucky Street approximately 200 feet; thence west to the Interstate 55 right-of-way; thence north to the point of beginning.

B. Purpose and Intent of District

This district is intended to promote redevelopment of a mixture of higher density residential, office, institutional, and commercial uses and provide an appropriate gateway to South Downtown.

C. Permitted Uses

1. Residential

Multiple Family Dwellings
Accessory Dwelling Unit

2. Additional Uses Permitted

Fraternity, Sorority
Residential Home for the Aged
Student Dormitory
Church
Day Care Center
Group Day Care Home
Hospital
Hotel (subject to site plan approval by the legislative body)
Lodge, Club, Country Club
Museum
Nursery School
Park
Philanthropic Institution
Public Building
Recreation Field
School, Public or Private
Amusements, Commercial Indoor
Art or Photo Studio or Gallery
Bakery, Retail
Bank
Barber or Beauty Shop
Business School
Catering Establishment
Cleaning Establishment
Cleaning Pickup Station
Department or Discount Store
Financial Services
Flower or Plant Store
Gasoline Sales
General Service and Repair Shop
Greenhouse or Nursery, Commercial
Laboratories
Motor Vehicle Service
Music or Dancing Academy
Offices
Personal Service Establishment (Does not include Adult Entertainment)
Photo-finishing
Photo Finishing Pickup Station

Radio or TV Studio
 Restaurant with or without the Sale of Alcoholic Beverages
 Restaurant, Drive-in
 Retail sales
 Retail Shop, Other
 Services, Other Business & Personal
 Tavern, Cocktail Lounge, Night Club
 Undertaking Establishment
 Vehicle Wash (Footnote: Allowed only as accessory to retail commercial)
 Veterinary Clinic
 Postal Office or Postal Facility
 Telephone Service Center
 Telephone Switching Center, Electric Transmission, Gas Piping, Water Pumping Station
 Self-Storage Facilities
 Taxicab Dispatch Station
 Contractor's Storage, Indoor Only
 Wholesale Distribution, Indoor Storage Only
 Food Processing

D. Additional Requirements

1. Adult Entertainment shall not be permitted.
2. Subject to the General Standards set forth in the "Site Plan Review Requirements" portion of Section 35, surface parking lots are not allowed unless as accessory to a principal use permitted by the C-G District or as approved by Special Exception.
3. All existing uses that are not in conformance with the requirements of the C-G District at the time of adoption shall be governed by Section 30 of the Zoning Ordinance ("NONCONFORMITIES" Section).
4. Ground floor commercial use or public space shall be required in parking garages subject to the criteria listed in the SCBID Site Plan Review Specific Guidelines.
5. All new construction shall be subject to site plan review in accordance with the SCBID Site Plan Review Process and Criteria.

E. Bulk Regulations

1. Minimum Building Setbacks
 - a. Front – 30 Feet (Reduced setback permitted subject to Site Plan Review)
 - b. Side – 0 Feet (10 feet if adjacent to residential)
 - c. Rear – 15 Feet
2. Maximum Density – Same as required in Chart 2 of the Zoning Ordinance
3. Maximum Height – 50 Feet

F. Parking Requirements

1. The maximum number of parking spaces permitted shall be in conformance with the parking ratios in Section 28 of the Zoning Ordinance.
2. The Land Use Control Board may approve modifications to any parking requirements in accordance with the Special Exception Requirements.

G. Required Landscaping

1. Along Public Streets – A minimum landscaping area 25 feet in width with a minimum of 50% of the plant materials to be evergreens. Berming is encouraged (Alternative landscaping permitted subject to Site Plan Review)
2. Along Rear Yards – In accordance with Section 32 of the Zoning Ordinance.
3. Along Side Yards – In accordance with Section 32 of the Zoning Ordinance.
4. Interior Landscaping Requirements – In accordance with Section 32 of The Zoning Ordinance.

H. Sign Requirements

1. Detached Signs

- a. Total Number Permitted – One detached sign for up to the first 200 feet of road frontage. Additional detached signs are permitted based upon one each for each additional 200 feet of frontage not counting the frontage used to obtain the first or subsequent signs.
- b. Maximum Size
 - 1) (Minor Road): 35 square feet per sign and a maximum height of 7 feet.
 - 2) (Major Road): 70 square feet per sign and a maximum height of 15 feet.
- c. Design – Ground mounted, monument style (no pole signs). No sign shall flash, revolve, oscillate, be animated, or create the illusion of continuous movement. Signs shall use building materials consistent with the building(s) whose lot they occupy.
- d. Minimum Sign Setback – 15 Feet.

2. Attached Signs

- a. Total Number Permitted – One attached sign per establishment per road frontage per zoning lot.
- b. Maximum Size – 40 square feet.

5.1.8 Site Plan Review

A. Review Required

Site plan review shall be required for:

1. All new building construction or building expansion or parking construction or expansion.
2. All demolition or relocation or any building or site listed on the National Register of Historical Places.

B. Authority To Require Dedication and Improvement:

Any new building construction or building expansion or parking construction or expansion shall require the dedication and improvement of public facilities to provide adequate public streets, sidewalks, or other public infrastructure.

C. Procedures

Applications shall be approved administratively by the Office of Planning and Development. Information required for submittal is contained in Section 8.D.j of the Zoning Ordinance. If the Office of Planning and Development does not approve the application, the applicant may appeal to the Land Use Control Board. A sign shall be posted on the property in accordance with the sign posting requirements of Section 8.E.2 a, b, and c (1),(2), and (3) in the Zoning Ordinance. The sign shall be posted at least 14 days prior to administrative approval. If the application is appealed to the Land Use Control Board, public notice shall be mailed to property owners within a 300-foot radius of the subject property. The Office of Planning and Development or any individual appearing at the Land Use Control Board public hearing or who submitted written comments to the Board may appeal the decision of the Board to the City Council. Such appeal shall be in writing to the Director of Planning and submitted within ten (10) working days of the Board's action. The City Council shall, after the public hearing, approve the appeal, approve the appeal with conditions, or deny the appeal.

D. Additional Requirements

In addition to the filing requirements listed in Section 8.D (2).j, the following shall be required:

1. Elevations of the proposed building or building expansion and its relationship to existing buildings within 100 feet of the site.
2. A graphic illustration of any views of the Mississippi River, downtown, or other scenic views, and relationship to existing and approved surrounding buildings.
3. Building heights shall meet the following standards:
 - a. The proposed building height shall be consistent with the purpose and intent of the South Central Business Improvement District; and
 - b. The proposed building height shall be in general proportion to the height of existing or approved buildings in the immediate area; and

- c. The proposed building shall be designed to minimize obstruction of views of the Mississippi River from existing or approved buildings, downtown or other scenic views; and
- d. The proposed building is sited and designed to minimize shadows on adjacent properties; and
- e. The proposed building minimizes visual impacts on historic and other existing structures; and
- f. An illustration of the exterior of the building including building materials; and
- g. An illustration of proposed signs including location, materials, dimensions, and type of lighting; and
- h. An illustration of required setbacks and recommended streetscape cross sections for the special zoning districts.

E. General Standards

The applicant shall present evidence:

1. That the site plan or a requested Special Exception Use will not have a substantial or undue adverse effect upon the neighborhood, the character of the applicable zoning district or any historical district, traffic conditions, parking, public infrastructure, and other matters affecting the public health, safety and general welfare.
2. That the site plan will be constructed and operated to be compatible with the neighborhood and with the purpose and intent of the applicable zoning district and SCBID Plan.
3. That the proposed development can be adequately served by public facilities.
4. That the proposed development will not result in the destruction, loss, or damage of any significant natural, scenic, or historical district, site, or feature.
5. The Office of Planning and Development and Land Use Control Board may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to insure compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of the SCBID.

F. Parking Lot/Parking Garage Location Criteria:

1. Parking shall be located at the side or rear of a building and not between the building and the street.
2. Parking lots and garages shall be landscaped with Plate A-6, Plate A-7 or an equivalent streetscape approved by the Office of Planning and Development. All other landscaping requirements (side yard, rear yard, and interior) shall comply with Section 32 (the Landscaping Ordinance).
3. Parking structures are encouraged to locate behind buildings.
4. Any parking structure which has frontage on a public street is recommended to provide at least 60% of the 1st floor of the street frontage in office, retail, commercial, or public amenity space.

G. Surface Parking Lot Requirements (see schematics for further details)

Surface Parking Lots Discouraged on Corners – Surface parking lots should not occur in front of the primary façade or on corner locations, except as otherwise deemed appropriate by the Memphis City Council. Surface parking lots shall be located a minimum of sixty-five (65) feet from the intersection of any street measured from the edge of the right-of-way or 20% of the distance of the street frontage of the block, whichever is greater, or otherwise as deemed appropriate by the Memphis City Council. No surface parking lot shall have more than 200 feet of street frontage, inclusive of the required side yard landscape plate and no more than two such lots shall be contiguous in any one block, unless otherwise deemed appropriate by the Memphis City Council.

H. Driveways

No more than two (2) driveways shall be permitted to serve a surface parking lot. Surface parking lot driveways shall be a minimum width of twelve (12) feet for one-way drives and twenty (20) feet for two-way drives, at the right-of-way line. The maximum driveway width to parking areas shall not exceed 24 feet at the edge of the right-of-way.

I. Screening

Surface parking lots shall meet the requirements of Plates A-6 or A-7 of the Memphis and Shelby County Landscape and Screening Ordinance, modified as follows: The perimeter of all parking lots should be visually screened through the use of a six-foot high masonry, wrought iron-masonry combination, or ornamental wrought-iron fence and landscaping as detailed on Plates A-6 and A-7, with an emphasis on any portions fronting a public street. All vegetation shall be irrigated with an automatic underground irrigation system.

J. Interior Landscaping

Interior landscaping is encouraged to be located within the interior of parking areas.

K. Pavement

All surface parking areas shall be paved with asphalt or concrete. All pre-existing building foundations shall be removed and the parking surface graded to provide positive surface drainage prior to pavement application.

L. Site Lighting

Site lighting shall be provided within parking lots. Surface parking lots shall not be lighted using “wall pack” type fixtures. Site lighting should be pedestrian-scaled and architecturally compatible with lighting installed in adjoining areas. Site lighting shall also:

1. Be limited to the amount and intensity necessary for safety, security and to compliment architectural character. Lighting is not permitted which would spill onto, or interfere with the character of, the surrounding neighborhood.
2. Be indirect or incorporate full shield cut-offs where lighting is visible from adjacent properties or public right-of-ways to avoid spill-over to adjoining areas.

M. Parking Lot Striping

Surface parking stalls shall be delineated with painted strips and shall comply with other applicable City standards including marking for handicap parking spaces.

N. Loading and Refuse Screening

1. Loading docks, solid waste facilities, recycling facilities and other service elements shall be placed to the rear or side yard of the building in visually unobtrusive locations with minimum impacts on view.
2. Screening shall be achieved through the use of walls, fences, and/or landscaping.
3. Refuse containers and facilities shall be hidden by an opaque wall or fence of sufficient height to screen the bin and any appurtenances, but not less than 6 feet in height. Walls and fences shall be constructed to match the architectural detail of the principal structure and contain a securable gate to minimize blowing refuse. Trash containers serving non-residential uses shall not be located abutting residential property.
4. Recesses in the building and/or depressed access ramps may also be used for service areas.

5.1.9 Special Exception Requirements

A. General

1. The Land Use Control Board shall have the authority to approve special exceptions in the applicable zoning districts of the South Central Business Improvement District (SCBID) based upon the standards hereinafter set forth.
2. Special Exceptions shall be subject to the same General Standards and Specific Guidelines as those for Site Plan Review.

B. Procedures

1. An owner or other person who has a contractual interest in the property may file an application with the Office of Planning and Development. Information required for submittal shall include all items listed under Section 8.D.(2).j of the Zoning Ordinance, except a 300 foot radius vicinity map is required.
2. The Land Use Control Board shall hold a public hearing on the application no less than 35 days nor more than 75 days after an application is filed. Notice of the hearing shall be mailed to all property owners within 300 feet of the property.
3. The Land Use Control Board may by majority vote approve, approve with conditions or reject the application. The Board may defer a decision until the next regular Board meeting.
4. The Office of Planning and Development or any individual appearing at the Land Use Control Board public hearing or who submitted written comments to the Board may appeal the decision of the Board to the City Council. Such appeal shall be in writing to the Director of Planning and submitted within ten (10) working days of the Board’s decision. The City Council shall, after the public hearing, approve the appeal, approve the appeal with conditions, or deny the appeal.

5.1.10 Signs

A. Purpose

The purpose of this sign ordinance is: (1) to regulate the type, number, location, and physical dimensions of new and existing signs in the South CBID; and (2) to assure consistency with the Uniform Sign Code adopted by the Center City Commission. These regulations are designed to promote the health, safety and welfare of the District's residents and visitors by limiting potential obstructions and hazards to vehicular and pedestrian traffic and by enhancing the quality of the visual environment in residential and non-residential areas. This ordinance nevertheless recognizes the importance of business related signage for advertisement purposes and allows flexibility for the individual expression of business owners.

B. Scope of Regulations

These regulations will govern new and existing signs within the 6 zoning districts of the South CBID known as the Sports and Entertainment District, South Main District, Riverside Residential District, Bluffview Residential District, South Downtown Residential District, and South Downtown Business Park District. The following signs or sign elements are exempt from the provisions of this Section but are subject to any other applicable laws and regulations:

1. Government signs required by Federal, State, or Local law;
2. Flags or emblems of any national, state, or local government unit, organization of nations, fraternal, religious or civic organizations; (c) Works of art which in no way identify a product;
3. Scoreboards located on athletic fields;
4. The content or copy of a sign, except that copy or content will be regulated under this Section to the extent necessary to distinguish between off-premise and on-premise signs;
5. Gravestones;
6. Historical site plaques;
7. The display of street numbers;
8. Holiday decorations;
9. Temporary political campaigns or referendum signs including their supporting structures are permitted provided they are erected no longer than 90 days prior to any election, and are not placed upon utility poles or within public rights-of-way.

C. Sign Registration, Permits and Decals

Registration, Permits and Decals for new and existing signs shall be required in accordance with the provisions of Section 29 of the Memphis/Shelby County Zoning Ordinance. Limited exceptions are allowed as specifically provided in these South CBID Regulations. Prior to receiving a building permit, all signs in the South CBID shall be reviewed by the Center City Commission prior to a permit being issued. Signs applied for under the Creative Sign Program shall be subject to approval of a Special Exception by the Land Use Control Board. Any Special Exception application shall include review comments by the Center City Commission.

D. Definitions

1. Above roof sign shall mean a sign which is displayed above the highest projection of the roof.
2. Awning shall mean a roof like structure that serves as a shelter, as over a storefront, window, door or deck.
3. Banner shall mean a sign having the characters, letters, illustrations, or ornamentation applied to cloth, paper, or fabric of any kind with only such material for a backing.
4. SCBID shall mean the South Central Business Improvement District.
5. CCC shall mean the Center City Commission.
6. South Central Business Improvement District shall mean the area generally bounded on the north by property fronting along the north side of Madison Avenue; on the east by Lauderdale Street, Vance Avenue and Danny Thomas Boulevard; on the south by property fronting along the south side of Crump Boulevard; and on the west by
7. Mississippi River, except the Beale street National Historic Landmarks District which is not included (See Exhibit 1)
8. Construction sign shall mean a temporary graphic placed on a construction site listing such information, as contractor, engineer or architect.

9. Doorway shall mean area set back from the public right-of-way enclosed or surrounded by show windows or walled sides of show windows, but not inside the establishment itself.
10. Expressway shall mean a limited access highway to which access is restricted except by ramps and interchanges.
11. Ground sign shall mean a display supported. by uprights or braces in or upon the ground surface.
12. Informational signs shall mean a graphic giving direction or information without advertising.
13. Item of information shall mean any of the following: a syllable; an abbreviation; a number; a symbol; a geometric shape.
14. Marquee shall mean a permanent roofed: structure projecting over public property, attached to and supported by a building.
15. Marquee sign shall mean a display sign attached to or hung from a marquee, canopy, or other covered structure projecting from and supported by the building and extending beyond the building wall, building line, or street lot line.
16. Off Premise sign shall mean a sign which attracts attention to a product, service, commodity or entertainment which primarily is conducted, sold, produced or offered off the premises where the sign is located.
17. Primary sign shall mean permanent signs; that are highly visible to pedestrian and vehicular traffic and do not include roof signs, rooftop signs, sandwich boards, or window graphics. Ground signs and projecting signs are also considered primary signs.
18. Primary wall sign shall mean a primary sign no higher than the second floor windowsills of the building to which it is attached.
19. Projected sign shall mean a display sign which is attached directly to the building wall and which extends more than 18 inches from the face of the wall.
20. Real estate sign shall mean a temporary graphic erected by the owner, or his agent, advertising the real property upon which the sign is located, for rent, for lease, or for sale.
21. Roof graphic shall mean a sign that is displayed above the eaves and under the highest projection of the roof.
22. Roof line shall mean either the edge of the roof or the top of parapet, whichever forms the top line of the building silhouette and, where a building has several roof levels, such roof or parapet shall be the roof level-belonging to that portion of the building where the sign is to be located.
23. Sandwich Board shall mean a permanent, portable sign meeting the criteria in TV. B (1)(xvii).
24. Sign shall include any announcement, declaration, or demonstration, display, illustration, or insignia used to advertise or promote the intent of any person when the same Js placed for the view of the general public.
25. Signable area shall mean an area of the façade of the building below the roof line which is free of windows, doors or major architectural details and not higher than the lowest of the following: 25 feet above the adjoining sidewalk, the bottom of the window sills of the second story, or the highest part of the building under the roof as illustrated in Exhibit 2.
26. Temporary sign shall mean any sign, banner, pennant, valance, or advertising display constructed of cloth, canvas, light fabric, cardboard, wallpaper, or light material with or without frames, intended to be displayed for a limited period of time only.
27. Wall sign shall mean a sign that is painted on or attached directly to the building wall and not more than 18 inches from the face of the wall.
28. Window graphic shall mean a sign that is attached to or visible through a window.

E. Sign Standards

1. General

All signs shall adhere to the following guidelines and size limitations except in cases where outstandingly creative design solutions are offered. In such cases, if a proposal incorporates unique or high quality materials (such as neon, hand painting, some metals, well-crafted wood), exterior lighting (such as floodlighting), unique shapes, and outstanding graphic composition, a sign exceeding the limits stated in these Regulations may be approved. All signs should, however, be appropriately scaled to fit their context, and should complement the building on which they are located, and should not intrude upon any architectural detail.

a. Identification

All signs are encouraged to utilize creative approaches to property and business identification; however, signs should be used for identification only, not for the advertisement of services or products available within a building or site. The only exceptions to this are wall-painted signs and sponsored art work conforming with Section xiv of these South CBID Regulations.

b. Removal

When a business closes or re-locates, its sign shall be removed within three (3) months of the date of close. If the sign has not been removed after six (6) months, the property owner will be notified that the sign is non-compliant and will be formally requested to remove the sign. Unless the owner can provide a reason acceptable to the Center City Commission that the sign should be retained, the sign shall be removed immediately. If the sign has not been removed within one (1) year of the close of the building or business, it can be removed by the City or the Center City Commission at the owner's expense.

c. Disrepair

When a sign falls into disrepair or is abandoned, the CCC staff may notify the property owner that the sign is non-compliant and request that the sign be removed. Unless the owner can provide a reason acceptable to the Center City Commission that the sign should be retained, the sign shall be removed immediately. If the sign has not been removed within one (1) year following notification, it can be removed by the City or the Center City Commission at the owner's expense.

d. Number of Signs

Any ground floor business is allowed two (2) primary signs facing a public right-of-way; however, the area of the signs may not exceed the allowable size requirements as outlined in following sections.

2. Single Family Residential Signs

Signage for single family homes is permitted per the requirements of the R-5 Zoning Districts.

3. Upper Floor Tenants

Each ground floor leasable unit is considered separately for signage; however, upper floor tenants are not allowed signs at the ground level unless they have a separate entrance at the ground level fronting onto a public right-of-way. Upper floor tenants in all areas are allowed, as established below, window or door graphics on the ground level and window graphics at the floor on which they are located.

4. Multi-Tenant Buildings

Multi-tenant buildings may incorporate a designation sign at the ground level that identifies all of the tenants.

5. Size of Signs

The size of a sign will be determined the smaller of the following two measurements: (1) the area of a rectangle enclosing all elements of a sign, including any sign cabinet or edges of a cabinet, or (2) the sum total of all areas of all elements of a sign.

6. Wall Signs

Wall signs may be attached flat to or pinned away from the wall and may not project from the wall by more than 18 inches. In no case should a wall sign obscure architectural details, window openings, or other open area within a building facade.

- a.** Any activity may display one wall sign on each side of the building that fronts onto a public right-of-way.
- b.** The size of an individual wall sign will be no more than 40% of the signable area of any building.
- c.** If an activity in a building of 2 or more stories is a place of entertainment, a place of assembly for 200 or more people, a hospital, a hotel, or a majority tenant of the building, a sign may be placed on the wall near the roof line. In such cases, there is generally an area near the roof that is free of architectural detail; this area will be considered the signable area and no sign should exceed 40% of that area. Such signs are not considered primary signs and therefore, do not count against the size limitations of lower, primary wall signs.

7. Projecting Signs

Any activity may display 1 projecting sign on each public right-of-way frontage. A projecting sign may not extend above the roof of the structure to which it is attached.

- a. Projecting signs shall be mounted at right angles to the building facade except if the building is a corner building. On corner buildings, a projecting sign may be mounted at a 45-degree angle to the building; however, in such cases, the sign at a 45 degree angle would be the only projecting sign allowed for the activity.
- b. Projecting signs must clear the sidewalk by at least 8 feet and shall project no more than 4 feet from the building face or 1/3 of the sidewalk width (whichever is less). Marquee graphics are excluded from this constraint.
- c. The vertical axis of a projecting sign will be no more than 25% of the height of the building to which it is attached if the building is 75 feet tall or less, as shown in Exhibit 3. If the height of the building to which the projected sign is attached is greater than 75 feet, then the vertical axis of the sign cannot exceed 20 feet. The overall size of a projecting sign must adhere to Table 1 below.

Table 1

LENGTH OF FRONTAGE ON PUBLIC RIGHT-OF-WAY	TOTAL ALLOWABLE SIGNAGE	
Less than 30'	20 Square	Feet
30' to 49' 11"	30 Square	Feet
50' to 60' 11"	40 Square	Feet
70' to 99' 11"	50 Square	Feet
100' and Greater	60 Square	Feet

8. Above-Roof Wall Signs

Wall signs above the roof are allowed only in 2 situations: on hotels, and when the tenant identified by the sign is a majority tenant within the building. An Above-Roof Wall Sign shall also comply with following criteria:

- a. An Above-Roof Wall sign may be attached to or pinned away from permanent portions of the building's structure that extend above what is traditionally considered to be the roof line of the building and may not project more than 18 inches from the wall to which it is attached. This type of sign should not extend above the highest projection of the roof, including elevator penthouses and mechanical enclosures. The size of the sign will be limited by the roof structure to which the sign is attached and will be no larger than 40% of its signable area.
- b. Above-Roof Wall signs are allowed only on buildings that are taller than 50 feet in height.

9. Rooftop Signs

Signs above the highest projection of the roof are not allowed except as outlined in the standards for the Sports and Entertainment District.

10. Marquee Signs

Marquees are allowed only on theaters, other entertainment establishments featuring live performances, and places of assembly of 200 or more people (including restaurants and bars).

- a. As a permanent structure attached to and projecting from a building, a marquee is very much a part of a building's overall design and must be integrated into the facade design. A marquee can project the entire width of the sidewalk, assuming there are not obstructions, but must clear the sidewalk by at least 8 feet.
- b. Only individual letters or symbols should be placed on or attached to marquees. The area reserved for changeable copy should be no more than 85% of each side of marquee. Changeable copy displayed on marquees is not included in the items of information calculation for the building or tenant.
- c. If an activity is eligible for a marquee, it may not have any other projecting sign.

11. Window Signs

Permanent window signs shall be affixed to the window and limited to 25% of the total area of the window in which they are displayed. Temporary window signs shall be limited to 15% of the total window area.

12. Directional Signs

Directional signs do not count toward the allowable sign limit per activity. These signs can be vehicular or pedestrian oriented, but in no case, should they exceed a size of 6 square feet if oriented toward vehicles or 3

square feet if oriented toward pedestrians or a height of 4 feet. Directional signs should not be designed or situated as to provide a traffic or security hazard. In no case shall they be located within a public right-of-way.

- a. Directional signage is allowed only purposes of wayfinding and may not be used for advertising.
- b. Directional signage must be kept to a minimum necessary to locate the intended destination.

13. Off-Premise Advertising

Permitted off-premise signs fall within only one of 3 categories; (1) wall painted signs, (2) sponsored artwork, (3) off-premise signs may be allowed in the Sports and Entertainment District at Autozone Park, Peabody Place and the Fed EX Forum subject to approval by the Center City Commission under the Creative Sign Program except a Special Exception will not be required. No other off-premise signs shall be permitted within the South CBID. Off-premise signs of all types shall be prohibited within the Riverside Residential District.

- a. Wall painted signs are allowed only in the South Main District. Wall painted signs must be on the sides of buildings and must follow the guidelines and size restrictions for wall signs, item vi above. When allowed, they are permitted only on buildings between 2 and 15 stories tall, not within 200 feet of any other wall painted off-premise sign and should not project from the face of the building wall.
- b. A current Certificate of Use and Occupancy is required before a sign can be installed.

14. Awnings

All awning signs may be located on awnings in accordance with the following criteria:

- a. Awnings should fit the opening of the building on which they are attached and not overlap the opening or multiple openings.
- b. Lettering on awnings can be placed on the vertical valance flap or on the sloped portion of the awning. Any lettering that is larger than 3 inches in height will be counted against the allowable amount of primary signage for the activity or property. In such cases, the area of the graphic will be determined by measuring the area of the smallest rectangle that encloses all of the elements of the graphic. The maximum signable area for awnings is 30% of the awning's face.
- c. Illumination of awnings is allowed; however the illumination must be directed or focused toward the ground not upward creating the effect of an oversized illuminated sign. Lighting external to the awning is also allowed.

15. Canopies

Signage may be located on canopies in accordance with the following criteria:

- a. Lettering on canvas or other fabric-type canopies should not be greater than 6 inches in height and should be located only on vertical surfaces and not on sloped or curved sections of the canopy. The front piece of a canopy may present an opportunity to prominently display a graphic symbol or logo with lettering no greater than 6 inches in height. Illumination of fabric-type canopies is allowed from the exterior or from within only if it is directed downward to the ground.
- b. Larger identification or signage on canopies may be allowed subject to approval of the Center City Commission.

16. Sandwich Board

One sandwich board sidewalk sign is allowed for each business establishment not to exceed more than one per 30 feet of frontage. A sandwich board can also identify multiple tenants on one sign. All such signs shall be designed to be folding in nature and must be removed at the close of business each day. The size of each face of a sandwich board shall not exceed 12 square feet and the overall sign shall be no taller than 4 feet. A sandwich board within the public right-of-way must be such that at least 5 feet of unobstructed sidewalk width remains between the curb and the building front.

17. Banner

Banners on streetlights are allowed throughout the Sports and Entertainment District. Banners attached to buildings are allowed only within the Sports and Entertainment District. Standards for building banners are included within the individual district sections of this Sign Code.

- a. Street banners are permitted only for non-profit organizations or governmental entities. No for-profit, commercial enterprises will be allowed to hang banners to advertise or to promote their businesses, merchandise, products or services.

- b. Banners should generally be event-oriented. For events lasting one week or longer, banners may be installed 30 days prior to the event. All banners must be removed within 14 days of the conclusion of the event. If banners are not removed within the required time frame, and if City crews perform removal, the organization will be assessed the cost and may be denied future banner requests.
- c. The name of a for-profit sponsor organization or event may appear at the bottom of a banner in letters no more than one inch high and occupying no more than 10% of the overall area of the banner. Logos may be permitted within that area.
- d. Banners shall be a maximum of 5 feet in length and 30 inches wide. The minimum distance from the bottom of the banner to the top of the curb shall be 12 feet unless it is installed on an existing mechanism that is currently part of the public infrastructure.
- e. Coordination with the City Engineer is necessary before any banner is installed on a street light.
- f. Installation and removal of banners is the responsibility of the sponsoring organization, but must be performed by a licensed sign company with proof of adequate liability insurance.
- g. Maintenance and replacement of damaged or missing banners is the responsibility of the sponsoring organization for the duration of the banners' display and shall be addressed in a timely manner.

18. Illumination

Internally illuminated signs in which the background color is darker than the color of the graphics is encouraged. Exterior illumination, such as floodlights or spotlights, shall be positioned so that none of the light shines onto an adjoining property or in the eyes of motorists or pedestrians. For the purposes of these guidelines, neon-type lighting is considered external illumination.

- a. Signs with marquee or bare bulb illumination shall not be located within 60 feet of any other similar sign or within 500 feet of any residential building. Exposed fluorescent tubes are not permitted.
- b. There are no limits on neon tube illumination as a part of a sign. Decorative neon accents intended to illuminate a building should be utilized only on non-historic structures and should not obscure any architectural details.
- c. Signs are not required to be lit but in the event illumination is added, it must conform to this Sign Code.

19. Mechanization

Mechanized signs that incorporate moving elements shall not be located within 60 feet of another similar sign or within 500 feet of any residential building.

20. Vehicles

Any sign painted or adhered to a vehicle that remains parked in front of any business establishment for the purposes of permanent advertising in the South CBID is subject to review in accordance with the Creative Sign Program.

21. Temporary Signs

Temporary signs may be installed for a predetermined length of time and must be removed at the end of that time period. The predetermined length of time must be approved by the Center City Commission. Temporary signs may be wall signs, window signs, or banners but in no case should a temporary sign obscure any architectural detail or a building. Temporary signs shall be installed in an unobtrusive manner so that their removal does not damage a building facade.

- a. For Sale and For Lease Signs do not require approval of the Center City Commission if they are limited to one sign for each available space or building frontage and are 5 square feet or smaller.
- b. Tethered signs such as blimps or balloons shall be reviewed by the Center City Commission and shall conform to the Center City Commission Sign Code.

22. Sports and Entertainment District

All signs within Sports Entertainment District, in addition to the General SCBID Sign Standards, shall adhere to the following guidelines and limitations:

a. Signs on Parking Structures

These types of facilities may incorporate signs that exceed the size limitations established previously, however, no case shall a sign attached to a parking structure cover any portion of a window opening or open area of the facade. One primary sign shall be allowed on each side of a parking facility that fronts

onto a public right-of-way. The allowable size of signs under this section differs from the General SCBID Sign Standards in the following ways; a wall sign may be 60% of the signable area; a projecting sign may be no taller than 35% of the overall height of the parking structure if the parking structure is less than 85 feet tall, although it may not extend above the second than level of parking. If the parking structure exceeds 85 feet in height, then the projecting sign is limited to a vertical axis of 30 feet. The size of a projecting sign is limited to the allowable square footage in Table 1.

b. Banners

The name of a for-profit sponsor organization or event may appear at the bottom of a banner occupying no more than 25% of the overall area of the banner. Logos may be permitted within that area. Banners shall be a maximum of 8 feet in length and either 24 inches, 30 inches or 36 inches wide. The minimum distance from the bottom of the banner to the top of the curb must be at least 12 feet unless it is installed on an existing mechanism that is currently part of the public infrastructure.

c. Rooftop Signs

Signs projecting above the highest point of the roof or rooftop structure are permitted within the Sports and Entertainment District if approved as a Special Exception in accordance with the Creative Sign Program and shall be in conformance with of the Center City Commission's Sign Code. Rooftop signs are only allowed on buildings that exceed 40 feet in height. Signs must identify the name of the property or the majority tenant. Signage must consist of individual lettering attached to a minimally visible frame. The horizontal length of the sign shall not exceed 50% of the length of the roof on the side of the building where the sign is located. The total area of the sign shall not exceed 350 square feet.

23. Gayoso - Peabody/Cotton Row

The guidelines for the Gayoso-Peabody/Cotton Row Historic District shall apply to signs within the Sports and Entertainment District which are also located within the Gayoso - Peabody/Cotton Row Historic District and shall conform to the following additional standards:

- a. Projecting signs Projecting signs in Gayoso - Peabody/Cotton Row shall not extend above the second floor windowsills of the building to which they are attached.
- b. Illumination. If lit, all signs within Gayoso - Peabody/Cotton Row must be externally illuminated.
- c. Awning Signs. All awning signs within Gayoso - Peabody/Cotton Row shall follow the criteria in B. (i) (xv). All awning signs shall be subject to approval of a Certificate of Appropriateness by the Landmarks Commission.

24. South Main

All signs within the South Main District shall comply with the General SCBID Standards and shall adhere to the following additional guidelines and limitations:

- a. Illumination. If lit, all signs within the South Main District must be externally illuminated.
- b. Awning Signs. All awning signs within the South Main District shall follow the criteria in B. (i) (xv). All awning signs shall be subject to approval of a Certificate of Appropriateness by the Landmarks Commission.

25. Riverside Residential District

All signs within the Riverside Residential District, in addition to the General SCBID Standards, shall adhere to the following guidelines and limitations:

- a. Size of Signs. No sign within the Riverside Residential area shall be larger than 30 square feet.
- b. Wall Signs. Wall signs within the Riverside Residential area shall be no larger than 30% of the signable area.
- c. Wall Signs above the roof. Wall signs above the roof are not allowed.
- d. Projecting signs. Projecting signs in the Riverside Residential area shall be no larger than 30 square feet.
- e. Off-premise signs Refer to Section xiv.
- f. Illumination. If lit, all signs within the Riverside Residential area must be externally illuminated.
- g. Awning Signs. All awning signs within the Riverside Residential District shall follow the criteria in B. (1) (xv).

5.2 UPTOWN DISTRICT (U)

5.2.1 Purpose

The purpose of this section is to provide carefully tailored zoning categories that will preserve and reinforce the Uptown Memphis area by encouraging rehabilitation and new construction that is sensitive to the existing urban form and reflects appropriate uses, scale and character of the neighborhood. This section is intended to serve as a guide to assist property owners, developers, architects, builders, business-owners, public officials, and other interested citizens when considering rehabilitation, redevelopment or new construction in the Uptown Memphis Area. This section should also be consulted by the Memphis and Shelby County Government with respect to proposed infrastructure and streetscape improvements. This section includes zoning regulations that govern land use, density, bulk and parking requirements.

5.2.2 Zoning Districts Outside of Uptown

Zoning districts that are not among the specific categories created by this zoning regulation and design principle document are not applicable to properties within this area for the purpose of a rezoning. In the event a development that is compatible with the Uptown area, but is inconsistent with existing zoning, the creation of new Uptown zoning districts should be considered as an option to accommodate the proposal. Although it is not encouraged, a planned development or a variance could also be used to permit such a development.

5.2.3 Uptown Districts

The map and text below provide a general description of the eight special zoning districts and/or provisions established for the Uptown Memphis study area. The color reference for each district relates to the map.

A. Moderate-Density Residential District (MDR)

The MDR District comprises the majority of the Uptown area and is intended to preserve the development pattern already existing in primarily residential areas. Land use types to be included in this district are single-family dwellings, two-family dwellings and limited institutions.

B. High-Density Residential District (HDR)

Land use types to be included in this district are multifamily, townhouses and institutions. The largest concentration of this zoning district is adjacent Lauderdale Courts and Hurt Village. The district is also located in limited areas within the various neighborhoods that comprise the Uptown area.

C. Mixed Use District (MU)

It is the intent of this district that uses be physically integrated. Permitted land use types include commercial, townhouses, apartments and institutions. The ideal model consists of building(s) with retail or restaurant uses on the ground floor and office and/or residential uses on the upper floors.

D. Neighborhood Center Overlay (NC)

In order to encourage pedestrian activity at certain key locations, a Neighborhood Center overlay is being applied within the Mixed Use District in which the first floor of new development shall be used for retail, office and service uses. These areas are concentrated at the corner of N. Parkway and Danny Thomas Boulevard, as well as on Chelsea Avenue between the intersections of Thomas Street and Third Street.

E. Uptown Hospital District (UH)

The purpose of this district is to accommodate hospital and health-related uses in the Uptown area. These uses pose unique characteristics of scale and intensity, as well as demands upon community services and infrastructure. The Uptown Hospital District is designed to permit the development, expansion and modernization of these existing uses, while respecting the character and quality of life of the surrounding neighborhood.

F. Uptown Light Industrial District (ULI)

This district is intended to provide areas in which the principal uses permitted are industrial in nature, yet compatible with the character of the Uptown area. Uses permitted include limited manufacturing, wholesaling and warehousing. The regulations of this district are designed to minimize the potential adverse impact such uses may have on nearby properties.

G. Significant Neighborhood Structure

Neighborhood structure provisions are intended to protect and preserve existing neighborhood features that are important to the historical, architectural, cultural or civic character of the neighborhood by allowing for non-residential uses following certain criteria as a way to provide an economically viable means to preserve the landmarks. See Appendix C.

5.2.4 Moderate-Density Residential District**A. Land Uses**

Key permitted land uses in this district include single-family dwellings, two-family dwellings and institutions. See Appendix A for specific uses permitted in each zoning district. See Appendix C for Significant Neighborhood Structure.

B. Lot Sizes/Density**1. Single Family Lots**

Minimum 3,500 square feet; Maximum 15,000 square feet.

2. Two Family Lots

Minimum 6,000 square feet; Maximum 20,000 square feet.

3. Maximum Floor Area Ratio (FAR)

None.

C. Build-to Lines/Setbacks

The front “build-to line” establishes a position to which the front building facade should be built. The location of the adjacent buildings front façade, within 100 feet of the proposed building, determines the range in which the front facade of the new building can be located. A “setback” establishes the minimum distance between the property line and the facade. See the Zoning Ordinance for permitted obstructions within the building setback.

1. Residential

- a. Front Build-to Line: 10 feet to 30 feet.
- b. Side Build-to Line: 5 feet to 10 feet.
- c. Minimum Rear Setback for Primary Structure: 20 feet
- d. Garage and Accessory Structure Setback: 3 feet from a side or rear property line

2. Institutional

- a. Front Build-to Line: 10 feet to 30 feet
- b. Side Build-to Line: 5 feet to 30 feet
- c. Minimum Rear Setback: 20 feet

D. Building Heights

1. Building heights shall not exceed 45 feet for residential uses. Building height is the vertical distance measured from grade to the highest point of the roof for flat roofs and to the mean height between the eaves and the highest ridge for gable, hip and gambrel roofs.
2. Exceptions can be made for steeples, cupolas, and similar architectural elements.
3. First floor elevation shall be a minimum of 18 inches above finished grade for residential uses.

E. Required On-Site Parking Spaces**1. Residential**

- a. 3 or fewer bedrooms per unit: 1 space for each unit
- b. 4 or more bedrooms per unit: 2 spaces for each unit

2. Institutional

- a. As regulated by the Zoning Ordinance for each use.
- b. Various factors such as shared parking, proximity to public transit stops and available on-street parking may affect the number of required on-site parking spaces. See Appendix B.

F. Access & Parking

1. No more than one vehicular access point per property shall be provided from the primary street, and it should be no more than 12 feet in width for single-family and two-family homes. Driveways for other than single-family and two-family homes shall be no more than 24 feet in width. Access shall be from alleys when available.
2. Parking areas, including garages, shall not be located between the front building facade and the primary street. All parking areas, including garages, should be located to the rear of building.

G. Signage

1. Signs shall be as allowed in the RS District.
2. Signs located in the Central Business Improvement District shall be subject to the provisions of Ordinance No. 1556 and as amended by Ordinance No. 4468.

H. Landscaping

1. Along public ROW and for parking lot screening, landscaping plans shall be approved by the Office of Planning and Development.
2. Where a non-residential use abuts a residential use, a landscape plan shall be approved by the Office of Planning and Development.

5.2.5 High-Density Residential District

A. Land Uses

Key permitted land uses in this district include single and two-family homes, townhouses, multifamily homes and institutions. See Appendix A for specific uses permitted in each zoning district.

B. Lot Size/Density

1. **Single-Family Lots**
Minimum 3,500 square feet; Maximum 15,000 square feet.
2. **Two-Family Lots**
Minimum 6,000 square feet; Maximum 20,000 square feet.
3. **Townhouse Lots**
Minimum 2,000 square feet per unit.
4. **Multifamily Density**
Maximum 30 units/acre.
5. **Maximum Floor Area Ratio (FAR)**
None.

C. Build-to Lines/Setbacks

The front “build-to line” establishes a position to which the front building facade should be built. The location of the adjacent buildings front façade, within 100 feet of the proposed building, determines the range in which the front facade of the new building can be located. A “setback” establishes the minimum distance between the property line and the facade. See the Zoning Ordinance for permitted obstructions within the building setback.

1. **Single or Two-Family**
 - a. Front Build-to Line: 10 feet to 30 feet.
 - b. Side Build-to Line: 5 feet to 15 feet.
 - c. Minimum Rear Setback: 20 feet.
2. **Townhouse**
 - a. Front Build-to-Line: 5 feet to 10 feet.
 - b. Minimum Side Setback: 5 feet for each end unit, 0 feet when part of a townhouse building.
 - c. Minimum Rear Setback: 20 feet.
 - d. No more than 8 units may be attached as one building.
3. **Multifamily**

- a. Front Build-to-Line: 5 feet to 10 feet.
- b. Minimum Side Setback: 5 feet.
- c. Minimum Rear Setback: Primary Structure, 20 feet.

4. Institutional

- a. Front Build-to-Line: 5 feet to 30 feet.
- b. Side Build-to-Line: 0 feet to 30 feet.
- c. Minimum Rear Setback Line: 20 feet.

5. Garage & Accessory Structure/Setback

3 feet from rear or side property line.

D. Building Heights

1. Building heights shall not exceed 45 feet for residential and institutional uses. Building height is the vertical distance measured from grade to the highest point of the roof for flat roofs and to the mean height between the eaves and the highest ridge for gable, hip and gambrel roofs.
2. Exceptions can be made for steeples, cupolas, and similar architectural elements.
3. First floor elevations shall be a minimum of 18 inches above finished grade for residential uses.

E. Required On-Site Parking Spaces

1. Residential

- a. 3 or fewer bedrooms per unit: 1 space for each unit.
- b. 4 or more bedrooms per unit: 2 spaces for each unit.

2. Institutional

- a. As regulated by the Zoning Ordinance for each use.
- b. Various factors such as shared parking, proximity to public transit stops and available on-street parking may affect the number of required on-site parking spaces. See Appendix B.

F. Access & Parking

1. No more than one vehicular access point 12 feet in width per property shall be provided from the primary street for single-family and two-family houses. Driveways for other than single-family and two-family homes shall be no more than 24 feet wide.
2. Parking areas, including garages, shall not be located between the front building façade and the primary street or to the sides of the building.

G. Signage

1. Signs shall be as allowed in the RML District.
2. Signs located in the Central Business Improvement District shall be subject to the provisions of Ordinance No. 1556 and as amended by Ordinance No. 4468.

H. Landscaping

1. Along public ROW and for parking lot screening, landscaping plans shall be approved by the Office of Planning and Development.
2. Where a non-residential use abuts a residential use, a landscape plan shall be approved by the Office of Planning and Development.

5.2.6 Mixed Use District

A. Land Uses

Key permitted land uses in this district include commercial, townhouses, apartments and institutions. See Appendix A for specific uses permitted in each zoning district. It is the intent of this district that uses be physically integrated. The recommended model consists of a building(s) with retail or restaurant uses on the ground floor and office and/or residential uses on the upper floors. In order to encourage pedestrian activity at certain key locations, a Neighborhood Center overlay is being applied within the Mixed-Use District in which the first floor of new development shall be used for retail, restaurants, office or service uses.

B. Density

Maximum Dwelling Units Per Acre: None

C. Build-to Lines/Setbacks

The front “build-to line” establishes a position to which the front building facade should be built. The location of the adjacent buildings front façade, within 100 feet of the proposed building, determines the range in which the front facade of the new building can be located. A “setback” establishes the minimum distance between the property line and the facade. See the Zoning Ordinance for permitted obstructions within the building setback.

1. Residential & Commercial

- a. Front Build-to Line: 0 feet to 10 feet.
- b. Minimum Side Setback: 0 feet.
- c. Minimum Rear Setback: 5 feet.

2. Institutional

- a. Front Build-to Line: 0 feet to 30 feet.
- b. Minimum Side Setback: 0 feet 3.
- c. Minimum Rear Setback: 5 feet.

D. Building Heights

- 1. Building heights shall not exceed 45 feet. Building height is the vertical distance measured from grade to the highest point of the roof for flat roofs and to the mean height between the eaves and the ridge for gable, hip and gambrel roofs.
- 2. Exceptions can be made for steeples, cupolas, and similar architectural elements.
- 3. Finished floor elevations for residential uses shall be a minimum of 18 inches above finished grade.

E. Required On-Site Parking Spaces

1. Residential

- a. 3 or fewer bedrooms per unit: 1 space for each unit.
- b. 4 or more bedrooms per unit: 2 spaces for each unit.

2. Commercial

3 spaces/1,000 gross square feet

3. Institutional

- a. As regulated by the Zoning Ordinance for each use.
- b. Various factors such as shared parking, proximity to public transit stops and available on-street parking may affect the number of required on-site parking spaces. See Appendix B.

F. Access & Parking

- 1. No more than one vehicular access point 12 feet in width per property shall be provided from the primary street for single-family and two-family houses. Driveways for other than single-family and two-family homes shall be no more than 24 feet wide.
- 2. Parking areas, including garages, shall not be located between the front building façade and the primary street or to the sides of the building.

G. Signage

- 1. Signs shall be as allowed in the RML District.
- 2. Signs located in the Central Business Improvement District shall be subject to the provisions of Ordinance No. 1556 and as amended by Ordinance No. 4468.

H. Landscaping

- 1. Along public ROW and for parking lot screening, landscaping plans shall be approved by the Office of Planning and Development.
- 2. Where a non-residential use abuts a residential use, a landscape plan shall be approved by the Office of Planning and Development.

5.2.7 Uptown Hospital District

A. Purpose

The purpose of the Uptown Hospital District is to establish regulations and principles that will assist hospitals and health-related uses to be designed to be compatible with the character of the Uptown area.

B. Land Uses

Key permitted land uses in this district include hospital and health-related uses, as well as various commercial uses, institutional uses and special housing uses intended to primarily serve health care patients and employees. See Appendix A for a complete listing of uses permitted within the Uptown Hospital District.

C. Density/Intensity

1. Residential Density: 30 Dwelling Units Per Acre
2. Maximum Lot Coverage: 80% with 20% permeable surface as greenspace

D. Build-to Lines/Setbacks

The front “build-to line” establishes a position to which the front building facade should be built. The location of the adjacent buildings front façade, within 100 feet of the proposed building, determines the range in which the front facade of the new building can be located. A “setback” establishes the minimum distance between the property line and the facade. See the Zoning Ordinance for permitted obstructions within the building setback.

1. Minimum Front Setback: 30 feet.
2. Minimum Side Setback: 10 feet.
3. Minimum Rear Setback: 5 feet.
4. 25 feet Setback along North Parkway.

E. Building Heights

The building height shall be compatible with existing structures.

F. Required On-Site Parking

1. Institutional

- a. As regulated by the Zoning Ordinance for each use.
- b. Various factors such as shared parking, proximity to public transit stops and available on-street parking may affect the number of required on-site parking spaces. See Appendix B.

G. Access & Parking

1. No more than one vehicular access point 12 feet in width per property shall be provided from the primary street for single-family and two-family houses. Driveways for other than single-family and two-family homes shall be no more than 24 feet wide.
2. Parking areas, including garages, shall not be located between the front building façade and the primary street or to the sides of the building.

H. Signage

Signs located in the Central Business Improvement District shall be subject to the provisions of Ordinance No. 1556 and as amended by Ordinance No. 4468.

I. Landscaping

1. Along public ROW and for parking lot screening, landscaping plans shall be approved by the Office of Planning and Development.
2. Where a non-residential use abuts a residential use, a landscape plan shall be approved by the Office of Planning and Development.

5.2.8 Uptown Light Industrial District

A. Land Uses

This district is intended to provide areas in which the principal uses permitted are industrial, yet compatible with the character of the Uptown area. Uses permitted include limited manufacturing, wholesaling and warehousing, as well as ancillary office uses. See Appendix A for specific uses permitted in each zoning district.

B. Density/Intensity

Maximum Lot Coverage: 90% with 10% permeable surface as greenspace.

C. Build-to Lines/Setbacks

The front “build-to line” establishes a position to which the front building facade should be built. The location of the adjacent buildings front façade, within 100 feet of the proposed building, determines the range in which the front facade of the new building can be located. A “setback” establishes the minimum distance between the property line and the facade. See the Zoning Ordinance for permitted obstructions within the building setback.

1. Front Build-to-Line: 0 feet to 20 feet.
2. Minimum Side Setback: 10 feet.
3. Minimum Rear Setback: 20 feet.

D. Building Height

1. Building heights should be compatible with neighboring buildings.
2. Building heights shall not exceed 45 feet. Building height is the vertical distance measured from grade to the highest point of the roof for flat roofs and to the mean height between the eaves and the highest ridge for gable, hip and gambrel roofs.

E. Access & Parking

1. Industrial: As regulated by the Zoning Ordinance for each use.
2. Office: 3 spaces/1,000 gross square feet.

F. Signage

Signs located in the Central Business Improvement District shall be subject to the provisions of Ordinance No. 1556 and as amended by Ordinance No. 4468.

G. Landscaping

1. Along public ROW and for parking lot screening, landscaping plans shall be approved by the Office of Planning and Development.
2. Where a non-residential use abuts a residential use, a landscape plan shall be approved by the Office of Planning and Development.

5.2.9 Parking, Loading Areas, Refuse & Site Lighting

A. Parking Lots

1. Location -Parking lots should be located to the side or rear of buildings and, where possible, be accessed from secondary streets. Off-street parking should not occur in front of the primary facade or on corner locations.
2. Design -Parking areas should be organized into a series of small bays delineated by landscape islands consisting of trees and shrubs separating them. In general, no more than 16 contiguous parking spaces should be allowed. Landscape islands should have a minimum width of 8 feet and a shade tree planted in the landscape island. Driveways to parking areas should be no more than 24 feet wide.
3. Screening -The perimeter of all parking lots should be visually screened through the use of walls, fences, and/or landscaping, with an emphasis on any portions fronting a street. The method of screening should be determined by a sites context: The higher density portions of the study area should emphasize masonry walls and fences, while less dense residential areas might emphasize landscape screening. In all cases, parking should not extend past the established building line on a block. If landscaping is used, it should generally consist of evergreens planted in an intertwined pattern with a minimum height and spread of 24 inches at a time of planting to provide year-round screening.

B. Parking Structures

1. Exterior walls of parking garages visible from public streets should have an architectural cladding and flat floor plates facing the primary street.
2. Parking structures with street frontage shall comply with all other standards for buildings constructed within this document.

3. Parking structures are encouraged to be designed with ground floor uses compatible with neighboring areas in order to blend with surrounding structures and continue the rhythm of storefronts along the street, where appropriate.
4. The treatment of parking structure facades facing streets should give the appearance of an occupied Mixed Use or Commercial building.

C. Loading & Refuse

1. Loading docks, solid waste facilities, recycling facilities and other service elements should be placed to the rear or side yard of the building in visually unobtrusive locations with minimum impacts on view.
2. Screening should be achieved through the use of walls, fences and/or landscaping.
3. Refuse containers and facilities should be hidden by an opaque wall or fence of sufficient height to screen the bin and any appurtenances, but not less than 6 feet in height. Walls and fences should be constructed to match the architectural detail of the principal structure and contain a securable gate to minimize blowing refuse. Trash containers serving non-residential uses should not be located abutting residential property.
4. Recesses in the building and/or depressed access ramps should also be used for service areas.

D. Site Lighting

1. Site lighting shall be pedestrian-scaled and architecturally compatible with lighting installed in adjoining area.
2. Lighting shall be limited to the amount and intensity necessary for safety, security and to compliment architectural character.
3. Lighting which is visible from adjacent properties or roads must be indirect or incorporate full shield cut-offs.
4. Service area lighting shall be designed to avoid spill-over onto adjacent areas.

E. Mechanical Systems

Mechanical equipment (including air conditioning units, pipes, ducts, vents, access doors, meters, transformers and other building system equipment) shall be positioned away from pedestrian ways and residential structures to minimize noise, exhaust and visual unsightliness.

5.2.10 Signs

These signage standards apply to the entire Uptown area.

A. General Standards

1. Signs should not obscure key architectural features.
2. Billboards or general advertising signs should not be permitted.
3. Signs shall block the view of sights on a adjacent property.

B. Sign Illumination

1. Signs should be either spotlighted, internally lit, or back lit with a diffused light source.
2. Spotlighting should completely shield all light sources; light should be contained primarily within the sign frame. No light should glare onto an adjoining property or in the eyes of motorists or pedestrians.
3. Neon signs may be used.

5.2.11 Land Use Zoning Matrix

USES PERMITTED	MDR	HDR	MU	UH	ULI
HOUSING					
Single-Family Attached	X	X			
Single-Family Detached	X	X			
Two Family	X	X			
Townhouse		X	X		
Multiple Family		X	X	P4	
OTHER HOUSING					
Accessory Dwelling Unit	X	X	X	X	X
Bed and Breakfast	S	S	X		

USES PERMITTED	MDR	HDR	MU	UH	ULI
Boarding House		S	X	P4	
Fraternity, Sorority House		S			
Group Shelter	S	S	X	X	
Home for the Aged	S	X	X	S	
Hotel		X15	X	X	
Hospital				X	
Student Dormitory		S	S	X	
Transitional Home	S	S		X	
INSTITUTIONS					
Airport, Heliport				S	S
Cemetery, Mausoleum				S	S
Church	X	X	X	X	X
College, university		S	X	X	X
Day Care Center		X	S	X	
Family Day Care Home	X	X	X	X	
Group Day Care Home		X	X	X	S
Lodge, Club, Country Club		S	X	S	X
Museum		S	X	X	X
Nursing Home	S	X	X	X	
Nurse School		S	X	X	S
Park	X	X	X	X	X
Philanthropic Institution	S	X	X	X	X
Post Office		S	X	P4	
Public Building	S	X	X	X	X
Recreational Field	X	X	X	X	X
School, an public or private	S	X	X	X	S
COMMERCIAL					
Art or Photo Studio or Gallery			X		X
Bakery, retail			X		X
Bank 2			X	P4	X
Barber or Beauty Shop			X	P4	X
Business School			X	P4	X
Catering Establishment			X		X
Cleaning, pickup station			X	P4	X
Department or Discount Store			X		X
Financial Services 2			X	P4	X
Flower or Plant Store			X	P4	X
Garage, commercial			X	P4	X
Gasoline sales 2			S		X
General Service & Repair Shop			X		X
Laboratories			X	P4	X
Music or Dancing Academy			X		X
Offices			X	P4	X
Parking Lot				S	
Parking Garage		S	S	S	S

USES PERMITTED	MDR	HDR	MU	UH	ULI
Pawn Shop			X		X
Personal Service Establishment			X	P4	X
Photo Finishing			X		X
Photo Finishing Pick-up			X		X
Private Sales			X		X
Radio or TV Studio			X		X
Restaurant or Carry-Out Restaurant 2			X 15	P4	X
Restaurant, drive-in			X	P4	X
Retail, an			X	P4	X
Services, other business & personal			X	P4	X
Tavern, Cocktail Lounge, Night Club or Micro-Brewery			X		X
Used Goods, Second Hand Sales			X		X
Veterinary Clinic			X		X
Marina-Recreational Craft		X 15	X 15		
INDUSTRIAL					
Chemicals, Cosmetics, Drugs, Soap, Paints, Fertilizer & Abrasive Products					S
Contractor's storage indoor					X
Electrical or electronic equipment, appliances& instruments					X
Fabricated Metal Products and Machine					S
Food and beverage products except animal slaughter, stockyards, rendering and brewery					X
Furniture & fixtures					X
Gas, electric, water, sewerage; production, treatment facility					S
Jewelry, silverware, plated ware, musical instruments, toys, sporting goods, office art supplies					X
Leather & leather products except tanning & finishing					X
Paper products except pulp mills					X
Printing & Publishing					X
Textile, apparel products, cotton factoring, grading except cotton gin					X
Boat dock, storage repair					X
Postal Facility/Distribution Center					X
Railroad Terminal					X
Telephone Service Center					X
Telephone switching center, electric transmission, gas piping, . water pumping station	X	X	X	X	X
Taxicab dispatch station					X
Transportation Equipment					S
Warehouse, self-service, mini-storage					X
Wholesale establishment					X

X = Use permitted by right; S = Use requiring legislative site plan review and approval subject to the issuance of a special use permit; P4 = Such use shall be part of hospital and designed

USES PERMITTED	MDR	HDR	MU	UH	ULI
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and intended primarily to serve patients or employees; 15 = Use permitted by right in the Uptown Waterfront Overlay District.

5.2.12 Parking Provisions

A. Parking Reductions

Factor	Applicable Use	Criteria	Parking Adjustment
Transit	Residential Non-Residential	Use is located within 660 feet of a public transit stop.	10% Reduction
Pedestrian Access	Non-Residential	Use is located where residents of all residential and mixed use areas within 1,320 feet of the subject property can walk to and from the non-residential use on a continuous sidewalk system (ignoring intervening streets).	10% Reduction
Public Parking Facilities	Non-Residential	Use is located within 660 feet of a parking facility that is available for use by the public without charge (either directly or through a validation program in which the subject use participates).	10% Reduction
On-Street Parking	Residential* Non-Residential	Use is located along one or more public street frontages where public parking is permitted. *Not available for single and two family buildings.	One (1) legal on-street parking space can be substituted for every required off-street parking space provided the on-street space is located on a public right-of-way immediately abutting the property seeking the parking adjustment. Where a partial space straddles an extension of a side property line, the space may be counted by the abutting owner in front of whose property 50% or more of the space is located.

B. Shared Parking Provisions

Joint use of up to 100 percent of required off-street parking spaces shall be permitted for two or more uses located in the same or different buildings, provided that the parking spaces are on the same lot or within 660 feet of the building, structure or use to be served. Within the Uptown area, the OPD staff or Land Use Control Board (as applicable) may approve a shared parking plan for a mixed use project when uses are located near one another and have different peak parking demands, or other characteristics that would enable them to share parking areas without resulting in significantly higher on-street parking in surrounding areas or unauthorized use of other parking facilities. Shared parking arrangements shall be subject to the requirements set forth below:

1. Application

In cases where the uses for which the shared parking is requested are located on lots under different ownership, the persons involved will file a joint written application with the Office of Planning and Development (OPD) setting forth the following information:

- a. The names, addresses, and telephone numbers of the applicants.
- b. The ownership and location of the off-street parking spaces proposed to be jointly used.
- c. The uses which will jointly use the required off-street parking spaces, the hours of operation of each such use, the number of required parking spaces per the Zoning Ordinance for each such use, and the number of parking spaces proposed to be jointly used.
- d. Any other information required by OPD.

2. Criteria for Review

In reviewing an application for a reduction in the minimum number of required parking spaces, the following factors shall be considered:

- a. Characteristics of each use and projected peak parking demand, including hours of operation.

- b. Potential reduction in vehicle movements afforded by multi-purpose use of spaces by employees, customers or residents.
- c. Potential improvements in access, design, open space preservation and circulation afforded.
- d. Potential parking reduction in accordance with the parking reduction provisions of the City.

3. Agreements

In cases where the uses for which the shared parking is requested are located on lots under different ownership, an agreement between the owners shall be required and subject to approval by the City Attorney and filed with the Register of Deeds. Any applicable easements and joint access corridors which tie the shared parking concept together will be required to be recorded on a final plat and in any restrictive covenant and shall be referenced on the site plan.

4. Amendment or Termination

The approved shared parking agreement may be amended or terminated through site plan submission to OPD and the Land Use Control Board through:

- a. A petition filed by the owners whose properties include at least seventy-five percent (75%) of the square footage included in the shared parking lot prior to amendment or termination; and
- b. Submission of evidence that each use has made alternative provisions to satisfy its minimum off-street parking requirements.

5. Off-Site Parking Provisions

- a. Required parking spaces may be located off-site provided that: Non-residential use is located within 660 feet of a parking facility in which there is a formal agreement to designate spaces for the subject use.
- b. Residential use is located within 330 feet of a parking facility in which there is a formal agreement to designate spaces for the subject use.

5.2.13 Significant Neighborhood Structure (SNS) Provisions

A. Purpose

Significant Neighborhood Structure (SNS) provisions are intended to protect and preserve existing neighborhood structures that are important to the historical, architectural, cultural or civic character of the neighborhood. Some existing older buildings, such as corner stores and churches, may not physically lend themselves for permitted uses within residential areas. While this situation does not pose a problem for previously existing non-conforming uses that are "grandfathered in," abandoned uses lose such status. These provisions give relief by allowing for non-residential uses following certain criteria as a way to provide an economically viable means to preserve Significant Neighborhood Structures. The designation of Significant Neighborhood Structure status for specific properties shall be triggered by an application to OPD and an approval by the Land Use Control Board. Once approved, the boundaries shall be shown on the zoning map as an overlay.

B. Criteria for Consideration

A Significant Neighborhood Structure is defined as a structure, its appurtenances and the associated property that has historical, cultural, architectural, or civic value and/or importance; and whose demolition or destruction would constitute an irreplaceable loss to the quality and character of a neighborhood within the Uptown area; and that meets one or more of the following criteria:

1. It is recognized as a significant element of the neighborhood and/or community;
2. It embodies characteristics that distinguish it from other structure of the neighborhood and/or community;
3. It is considered historically or architecturally significant;
4. Rezoning the property on which the structure exists to a general zoning district inconsistent with surrounding or adjacent properties would have a significant negative impact the neighborhood and/or community;
5. Retaining the feature is important in maintaining the traditional neighborhood fabric;
6. Retaining the structure will help to preserve the variety of buildings and structures historically present within the neighborhood, recognizing that such structure may be differentiated by age, function and architectural style in the neighborhood and/or community;
7. Retaining the structure will help to reinforce the neighborhood and/or community's traditional and unique character.

C. Significant Neighborhood Structure Development Plan

A development plan for the reuse of any structure to be encompassed by a SNS overlay district shall be submitted to OPD and approved by the Land Use Control Board. No building permits, or land development permits of any other kind, shall be issued prior to the approval of the Significant Neighborhood Structure development plan. Depending upon the extent of information determined necessary by OPD staff on an application-by-application basis, the following types of information might be required:

1. The proposed SNS district boundary, including underlying existing zoning districts;
2. The location, orientation, and size of all existing and proposed structures, features and other elements and associated parking spaces;
3. The location of any structure on any property adjacent to the boundaries of the district;
4. The type, location, number and size of all significant existing and proposed vegetation;
5. The location, height and type of all existing and proposed fences or walls;
6. The location of any accessory structures for refuse collection, recycling or feature maintenance;
7. The location of all existing and proposed access points, loading areas and drive-thru lanes;
8. The location and name of all existing streets and alleys;
9. Photographs of all relevant site conditions, buildings, and other features;
10. Tabular data identifying the specific existing and proposed uses and square footage; structure height(s) and parking spaces;
11. Certification by a civil engineer, architect, or landscape architect directly involved in the preparation of the development plan.

D. Permitted Land Uses

All land uses classified as permitted by right (X), special use (S) or permitted hospital related (P4) by the underlying zoning district(s) shall be permitted within the SNS district. Additional uses, including uses prohibited by the underlying zoning district(s), may be permitted subject to certain conditions as described in the Significant Neighborhood Structure development plan, provided they are determined by the Land Use Control Board to be compatible with, and sensitive to, abutting properties and the overall neighborhood fabric, and appropriate to preserve and maintain the district.

E. Design Principles

1. Building Mass & Scale

The mass and scale of any new construction or alternations to a structure shall be compatible with the existing on-site and surrounding uses, buildings, structures and streetscape.

2. Parking

The number of required parking spaces shall be established recognizing available on-street parking and alternative parking available in the area. New parking spaces shall be located so as not to disrupt the continuity of the existing neighborhood context, building rhythm and streetscape and shall be placed to the side and rear of the key site feature being preserved to the extent possible.

3. Lighting

Lighting shall be designed and located at a pedestrian scale consistent with pedestrian movements and the neighborhood. Lighting shall be concealed or shielded to avoid glare and off-site impacts on abutting properties. Light poles and fixtures shall be compatible with the function and design of the structure and the abutting properties.

4. Signs

Any sign, where permitted as part of a Significant Neighborhood Structure development plan, shall be consistent with the context, scale, and character of the neighborhood where the district is located. The site structure's mass and scale, and the neighborhood in which it is located, shall be considered in sign size and design to ensure sensitivity and proportion to surrounding properties.

5. Landscaping

Landscaping shall enhance and reinforce the distinguishing characteristics of the key site structure of site element, and appropriately buffer any physical alteration from adjacent properties.

F. Alternative Standards

In addition to alternative permitted land uses, the approval of a Significant Neighborhood Structure development plan, may establish alternative standards for minimum lot area, setback and building height standards. A finding must be made that those standards would serve to enhance and provide a strong sense of place, permit the reasonable use of the property, and not impair the continued use and enjoyment of abutting properties.

G. Cancellation

In the event that a building permit or certificate of occupancy has not been issued for the Significant Neighborhood Structure property within two years from the date that the Land Use Control Board (LUCB) approved the Significant Neighborhood Structure development plan, the LUCB may act to cancel a Significant Neighborhood Structure designation at any time thereafter, upon giving the property owners 30 day's prior notice to the LUCB public hearing at which the cancellation will be considered.

Article 6. Overlay Districts

6.1 MEDICAL DISTRICT (-MO)

6.1.1 Applicability

[insert current district standards here]

6.2 RESIDENTIAL CORRIDOR DISTRICT (-RC)

6.2.1 Purpose

A Residential Corridor Overlay District (-RC) serves as an additional layer of land use control that prohibits approval of nonresidential development (with the exception of certain civic and institutional uses) within 200 feet on either side of a designated roadway. This designation is intended to provide protection against encroachment of nonresidential uses along a designated Residential Corridor.

6.2.2 Overlay Restrictions

- A.** All land fronting the designated Residential Corridor, for a depth of 200 feet, shall not be eligible for rezoning to a nonresidential district or shall such land be eligible for a change in use from a residential use to a nonresidential use. Certain civic and institutional uses may be permitted through the special use process (see 10.6).
- B.** Rezoning to OG, CMU-1, CMU-2, CMU-3, CBD, CMP-1, CMP-2, EMP, WD, or IH shall be specifically prohibited and no special permits for uses other than those outlined above shall be considered.
- C.** OG, CMU-1, CMU-2, CMU-3, CBD, CMP-1, CMP-2, EMP, WD, or IH lots along a designated Residential Corridor shall retain that classification, provided however, the owner of such a lot may apply for a rezoning to a residential district.
- D.** Nonconforming uses along a designated Residential Corridor shall be subject to the provisions of Article 11, Nonconformities.
- E.** The preferred housing type adjacent to a designated Residential Corridor is a single-family detached structure, or, where appropriate, a large home.

6.2.3 Criteria for Designation

Any street or section of street in order to be eligible for consideration as a Residential Corridor shall meet the following minimum standards:

- A.** Classified as a major road as depicted on the MPO Long Range Transportation Plan.
- B.** Contain three blocks on either side or have 2,000 feet of continuous frontage on both sides.
- C.** Have no more than five percent of the street frontage zoned and/or developed for office, commercial or industrial purposes.
- D.** For the purpose of this Chapter, a block is defined as the area abutting a major road as set forth above; which area is intersected at two points by a public street or highway, a railroad right-of-way, corporate limit or power transmission line right-of-way easement purchased by the light, gas and water division or a drainageway with an existing channel width of at least 50 feet, provided that alleys shall not be defined as a block boundary.

6.2.4 Establishment of Specific Residential Corridors

Editor's Note: Delete table? Streets sections should be made part of the Zoning Map. "The Office of Planning and Development shall prepare a map containing all designated residential corridors and will maintain said map to reflect approved additions and deletions."

The following defined sections of street are hereby designated as Residential Corridors and are subject to the provisions of this Chapter:

Belvedere Boulevard	Alley one-half block south of Union Avenue to Central Avenue
Central Avenue	Lamar Avenue to the L&N Railroad IC Railroad to Ellsworth Street Highland Street to Goodlett Street
Coleman Road	Raleigh-LaGrange to Yale Road
East Parkway	North Parkway to Young Avenue Cooper Street to Lamar Avenue
Elvis Presley Boulevard	654 feet south of Shelby Drive to Holmes Road
Goodlett Street	Graham Street to Park Avenue
Graham Street	Goodlett Street to Macon Road
Holmes Road	Elvis Presley to Millbranch Road
Jackson Avenue	Evergreen to Trezevant
James Road	Overton Crossing to Woodland Hills Cove Birchfield Drive to Scenic Highway Highland Street to Water Street (except that portion from the west right-of-way line of Birchfield Drive to the west right-of-way line of the Illinois Central Gulf Railroad for a distance of approximately 1,115 feet)
McLean Street	North Parkway to Poplar Avenue
North Parkway	Dunlap Street to East Parkway
Park Avenue	Goodlett Street to Mount Moriah Road (with the exception of segment of the Park Avenue residential corridor beginning at a point +/- 429 feet west of Mount Moriah Road and extending westward a distance of 275 feet to a point 704 feet west of Mount Moriah Road
Peabody Avenue	Cleveland Street to Cooper Street
Perkins Street	Park Avenue to Southern Avenue
Poplar Avenue	Rembert Street to East Parkway Highland Street to West Cherry Circle
Quince Road	Lynnfield Street to the city limits
Scenic Highway	James Road to Highland Street
South Parkway	Elvis Presley Boulevard to Lamar Avenue Cooper Street to Airways Road
Stage Road	Tena Drive to Bluefield Street
Trezevant Street	Jackson Avenue to North Parkway
Walnut Grove Road	Holmes Street to Germantown Road
White Station Road	Pelham Circle north to I-240

6.2.5 Procedure for Classification

- A. Through the rezoning process (see 10.5), any resident in the City of Memphis or unincorporated portion of Shelby County may file an application, accompanied by a \$200.00 non refundable fee, with Planning Director requesting that a street or section of a street be designated as a Residential Corridor or a previously designated segment be deleted.

- B. The deletion of a street or segment of a street that has been designated as a Residential Corridor shall require a 2/3 vote of the governing bodies.

6.2.6 Administration

Streets or sections of street designated as Residential Corridors shall be subject to periodic review as deemed necessary by the Planning Director.

6.3 HISTORIC DISTRICT (-H)

6.3.1 General Provisions

A. Purpose

1. The Historic Overlay (-H) District is intended to protect and conserve the heritage and character of the community by providing for the preservation of designated areas, including individual properties that embody important elements of social, economic, political, or architectural history, and by promoting the stabilization and enhancement of property values throughout such areas.
2. It is intended that this development code ensure that buildings or structures in an Historic Overlay District are in harmony with other buildings or structures located within the District. However, it is not the intention of this development code to require the reconstruction or restoration of individual or original buildings, or to prohibit the demolition or removal of such buildings, or to impose architectural styles from particular historic periods, but rather to encourage design, which is harmonious with the character of the area.

B. District Established

The Historic Overlay (-H) District is hereby established. All adopted Historic Overlay Districts are shown on the Zoning Map (see 2.4). In a designated Historic Overlay District, no building, structure, or site shall be constructed, altered, repaired, relocated or demolished unless the action meets with the requirements set forth in this development code for compliance with the Design Review Guidelines adopted for the District for issuance of a Certificate of Appropriateness.

C. Certificate of Appropriateness Required

If a property owner within an Historic Overlay District seeks a building permit for exterior work, the owner must receive a Certificate of Appropriateness from the Landmarks Commission for such work (see 6.3.3, Certificate of Appropriateness).

6.3.2 Historic Overlay (-H) District Designation

A. General Purposes

The following provisions are established in order that appropriate measures may be taken to ensure preservation of structures of historic value to the City of Memphis and Shelby County pursuant to the authority contained in Section 13-7-401 of the Tennessee Code. The general intent includes the following specific purposes:

1. To promote the educational and cultural welfare of the people of Memphis and Shelby County;
2. To preserve and protect the historic and architectural value of significant resources;
3. To insure compatibility and to create an aesthetic atmosphere within an Historic Overlay District;
4. To foster civic beauty and community pride;
5. To stabilize and improve property values and to strengthen the local economy;
6. To enhance the City's attractions to tourists and visitors and the support and stimulus to business and industry thereby provided.

B. Pre-Application Conference

An applicant shall schedule a pre-application conference in accordance with 10.3.1.

C. Application Requirements

1. An application for an Historic Overlay District zoning change shall be submitted in accordance with 10.3.3, Application Requirements.
2. The Planning Director has established specific submittal requirements for an Historic Overlay District zoning change (see Appendix A for requirements).

D. Designation

1. The Landmarks Commission (see also 10.1.4) shall review applications regarding an Historic Overlay District. A public hearing shall be held and notice given in accordance with 10.3.4, Public Hearings and Notification.
2. The Landmarks Commission shall furnish to the Land Use Control Board in writing, its recommendations regarding the application for an Historic Overlay District zoning change).

3. The governing bodies shall review and consider the recommendations of the Landmarks Commission and the Land Use Control Board prior to the establishment of an Historic Overlay District (see also 10.5, Zoning Change).

E. Criteria for Designation

Any use permitted in the underlying zoning district shall also be permitted in an Historic Overlay District. In addition to the zoning change criteria (see 10.5, Zoning Change), an application for an Historic Overlay District zoning change shall meet one or more of the following criteria, in that they are:

1. Associated with events which have made a significant contribution to local, state or national history; or
2. Associated with persons significant in our past; or
3. Comprised of structures or groups of structures that embody the distinctive characteristics of a type, period, or method of construction; or that represent the work of a master or possess high artistic values; or that represent a significant and distinguishable entity whose components may lack individual distinction; or
4. Likely to yield archaeological information; or
5. Listed in the National Register of Historic Places.

F. Adoption of Design Review Guidelines

1. Prior to the establishment of any Historic Overlay District, the Landmarks Commission shall adopt a set of design review guidelines, which it will apply in ruling upon the granting or denial of a certificate of appropriateness (see 6.3.3). Such design review guidelines shall be consistent with the purposes of this development code and with regulations and standards adopted by the Secretary of the Interior pursuant to the National Historic Preservation Act of 1966, as amended.
2. Reasonable public notice and opportunity for public comment, by public hearing or otherwise, shall be required before the adoption of any such design review guidelines.

6.3.3 Certificate of Appropriateness

A. Applicability

1. The Building Official shall not issue any building or other permit in an Historic Overlay District for the construction, alteration, demolition or relocation of a building, object, structure or site within an Historic Overlay District unless a Certificate of Appropriateness has been issued.
2. The Landmarks Commission (see also 10.1.4) is authorized to review the construction, alteration, relocation or demolition of any building, structure, object or site, whether privately or publicly owned, which is located in an Historic Overlay District, and for which a building permit is not required, except work undertaken for the purpose of ordinary repair and maintenance.
3. Failure of a property owner or the holder of a building or other permit to construct, demolish, alter or relocate a building or any property in accordance with the requirements of the Certificate of Appropriateness shall constitute a violation of this development code.

B. Pre-Application Conference

An applicant shall schedule a pre-application conference in accordance with 10.3.1.

C. Application Requirements

1. An application for a Certificate of Appropriateness shall be submitted in accordance with 10.3.3, Application Requirements.
2. The Planning Director has established specific submittal requirements for a Certificate of Appropriateness (see Appendix A for requirements).

D. Landmarks Commission Action

1. The Landmarks Commission shall make a decision on the appropriateness of the proposed development within 30 days after the application has been determined complete and within ten days shall issue or deny the Certificate of Appropriateness, stating approval with or without attached conditions or disapproval with the grounds for disapproval stated in writing.
2. In the event of a determination to deny a Certificate of Appropriateness, the Landmarks Commission shall request consultation with the applicant for a period not to exceed 60 days for the purpose of considering modifications to the application in keeping with the determination criteria. If at the end of that time an

acceptable solution has not been achieved, the Certificate of Appropriateness shall be denied. No subsequent application which is substantially the same shall be accepted for at least six months from the date of the final action.

E. Certificates of Appropriateness Determination

1. It shall be the duty of the Landmarks Commission to make the following determinations with respect to any Historic Overlay District when application is made for a Certificate of Appropriateness, or whenever any such determination is deemed necessary by the Landmarks Commission.
 - a. Appropriateness of altering, constructing, moving or demolishing any building, structure or object within a Historic Overlay District.
 - b. Appropriateness of exterior architectural features, including signs and other exterior fixtures.
 - c. Appropriateness of exterior design of any new addition on any existing building or structure.
 - d. Appropriateness of front yard, side yards, off-street parking spaces, location of entrance drives into the property, of sidewalks along the public right-of-way.
 - e. Appropriateness of the general exterior design, arrangement, texture of material of the building or other structure in question and the relation of such factors to similar features of buildings in the immediate surroundings, however, the Landmarks Commission shall not consider work undertaken for the purpose of ordinary repair and maintenance, nor shall it consider interior design or arrangement.
2. Upon review of the application for a building permit, the Landmarks Commission shall give prime consideration to:
 - a. Historical or architectural value of the present structure.
 - b. The relationship of the exterior architectural features of such structure to the rest of the structure in the surrounding area.
 - c. The compatibility of exterior design, arrangement, texture and materials proposed to be used.
 - d. To any other factor, including aesthetic, which is deemed pertinent.

F. Application for Removal or Demolition

An application for removal or demolition shall be considered, taking into account, economic hardship. The Landmarks Commission may, after reasonable notice, set an application for public hearing and may consider any or all of the following:

1. Estimate of the cost of the proposed redevelopment, alteration, demolition or removal and an estimate of any additional cost that would be incurred to comply with the recommendations of the Commission for changes necessary for the issuance of a Certificate of Appropriateness.
2. A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation.
3. Estimated market value of the property in its current condition; after completion of the proposed redevelopment, alteration, demolition, or removal; after any changes recommended by the Landmarks Commission; and in the case of a proposed demolition, after renovation of the existing property for continued use.
4. In the case of a proposed demolition, an estimate from an architect, developer, real estate consultant, appraiser or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property.
5. Amount paid for the property, the date of purchase and the party from whom purchased, including a description of the relationship, if any between the owner of record or Applicant, and the person from whom the property was purchased and any terms of financing between the seller and buyer.
6. If the property is income-producing, the annual gross income from the property for the previous two years; itemized operating and maintenance expenses for the previous two years; and depreciation deductions and annual cash flow before and after debt service, if any, during the same period.
7. Any other information considered necessary by the Landmarks Commission to make a determination as to whether the property does yield or may yield a reasonable return to the owners. Request for consideration shall be taken up at public hearing with reasonable notice and consideration given to any or all of the factors listed above.

G. Enforcement

1. To monitor work in an Historic Overlay District, the Landmarks Commission staff will conduct routine surveys to insure that work in progress is undertaken and completed in compliance with the Certificate of Appropriateness and to see that the work is not undertaken without permits. If the Landmarks Commission finds that work undertaken is not done in accordance with the requirements for the Certificate of Appropriateness, it shall notify the owner of record in the following manner:
 - a. By certified mail to the last known address of the applicant or owner of record; or
 - b. By telephone.
2. If within seven days, action is not undertaken by the owner to meet the requirements of the Certificate of Appropriateness, the Landmarks Commission may determine that noncompliance has occurred. The Landmarks Commission shall notify the Building Official of any such noncompliance. A Stop Work Order may be issued by the Building Official that all exterior work must stop until the order is lifted.

H. Use of Property

Nothing in this development code shall be interpreted as giving the Landmarks Commission any authority to consider, review, examine or control the use of property classified as an Historic Overlay District. Use shall be controlled solely by the zoning controlling such property prior to its classification as an Historic Overlay District as may be rezoned by subsequent amendments.

I. Violation and Penalty

1. Where an alteration is undertaken without issuance of a Certificate of Appropriateness, the owner shall be required to return the property, in as much as is reasonably possible, to its state prior to the alteration, or as determined appropriate by the Landmarks Commission based upon the Design Review Guidelines.
2. In addition to the party determined to be in violation of this development code, any other person who may have knowingly assisted in the commission for any such violation shall be guilty of a separate offense.

6.3.4 Demolition by Neglect

A. Applicability

Owners of certain historic properties are required to maintain their properties and not allow them to fall into disrepair. The requirements of this Chapter are applicable only to certain properties, termed "historic properties" in this Chapter. That term as used in this Chapter is defined to include designated historic landmarks and properties identified as "contributing" or "pivotal" in a designated Historic Overlay District.

B. Conditions of Neglect Defined and Prohibited

Owners shall maintain or cause to be maintained the exterior and structural features of their historic properties and not allow conditions of neglect to occur on such properties. Conditions of neglect are as defined below. It shall be a violation of this development code to not remedy a condition of neglect within the period of time set. Conditions of neglect include the following:

1. Deterioration of exterior walls, foundations, or other vertical support that causes leaning, sagging, splitting, listing, or buckling.
2. Deterioration of flooring or floor supports, roofs, or other horizontal members that causes leaning, sagging, splitting, listing, or buckling.
3. Deterioration of external chimneys that causes leaning, sagging, splitting, listing, or buckling.
4. Deterioration or crumbling of exterior plasters or mortars.
5. Ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors.
6. Defective protection or lack of weather protection for exterior wall and roof coverings, including lack of paint, or weathering due to lack of paint or other protective covering.
7. Rotting, holes, and other forms of decay.
8. Deterioration of exterior stairs, porches, handrails, window and door frames, cornices, entablatures, wall facings, and architectural details that causes delamination, instability, loss of shape and form, or crumbling.
9. Heaving, subsidence, or cracking of sidewalks, steps, or pathways.
10. Deterioration of fences, gates, and accessory structures.
11. Deterioration that has a detrimental effect on the surrounding Historic Overlay District, or on the special character of the historic landmark.

12. Deterioration that contributes to a hazardous or unsafe condition.

C. Initiation by Petition

The initial determination that there is a condition of neglect shall be made by the Planning Director, after an investigation that is initiated by a petition from any person who is familiar with the subject property, which may include but not be limited to a City/County employee.

D. Notice of Investigation

On receipt of a petition, the Planning Director shall notify the owners in writing of the allegation and the process for making a decision regarding the petition, including any applicable deadlines. Among other things, the notice shall offer the owner the opportunity to meet in person with the Planning Director and to present any relevant information. Notice shall be delivered by personal service, or by certified mail, return receipt requested. If certified mail is refused or unclaimed, notice may be delivered by first class mail, and shall be considered effective if such mail is not returned by the post office within 15 days of mailing. In the case of notice by first class mail, notice shall also be posted on the property. Notice of the investigation may also be given to the owners of nearby or adjacent properties or neighborhood associations.

E. Responsibilities of Planning Director

The Planning Director shall:

1. Investigate the allegation that a condition of neglect exists;
2. Hold one or more meetings in which the owner, other persons who have received notice, or other interested persons may give information;
3. Issue a written determination, supported by findings of fact, regarding the allegation within 45 days of the owner's receipt of notice;
4. Include within the determination a time period for correcting the condition of neglect, if a condition of neglect has been found;
5. Retain all information presented by the owner or other persons;
6. Deliver the written determination through any of the means for delivery of notice, as described above;
7. Designate the written determination as a final administrative determination with the right of appeal to the Landmarks Commission; and
8. Include information regarding rights to a *de novo* hearing before the Landmarks Commission.

F. Suspension of Process

The demolition by neglect process initiated under the requirements of this development code may be suspended in the event the owner agrees in writing to correct the alleged condition of neglect within a time period determined to be reasonable by the Planning Director. If the condition is not corrected within that time period, the process shall continue where it was suspended.

G. Appeal of Planning Director Decision

1. If the property owner disagrees with the Planning Director's determination, the owner may appeal and may request a hearing before the Landmarks Commission.
2. The request shall be delivered to the Planning Director, in writing, within 30 days of receipt of the Planning Director's determination.
3. The Landmarks Commission shall hold a hearing on the issue of whether demolition by neglect is occurring on the property.
4. The Landmarks Commission's written decision shall include findings of fact and conclusions regarding demolition by neglect consistent with this Chapter. It shall be delivered to the appealing party by certified mail, return receipt requested.
5. Appeals from any decision of the Landmarks Commission may be taken in accordance with Title 27 of the Tennessee Code. If the decision is not appealed it shall be considered a final decision subject to enforcement with no rights of appeal.

H. Safeguards From Undue Economic Hardship

1. Right of Claim of Economic Hardship

The property owner is entitled to make a claim of undue economic hardship if the owner is unable to make needed repairs to the property because it is economically unfeasible.

2. Issuance of Stay for Economic Hardship

In the event that the owner or other parties in interest do not wish to contest the determination regarding the condition of neglect, but do wish to petition for a claim of undue economic hardship, the Planning Director's order shall be stayed until after the Landmarks Commission's determination regarding the claim.

3. Process

If a claim of undue economic hardship is made, the Planning Director shall receive all information from the property owners that the Landmarks Commission is entitled to receive pursuant to this development code, make a determination regarding whether there is undue economic hardship, and develop a plan for dealing with such hardship, if it is found to exist. The recommendation and plan shall be sent to the owner, certified mail, return receipt requested, with notice of the owner's rights to appeal to the Landmarks Commission within 30 days of receipt. If the owner disagrees with the recommendation and plan the owner may request a hearing before the Landmarks Commission.

4. Evidence Regarding Undue Economic Hardship

When a claim of undue economic hardship is made owing to the effects of this Chapter, the owner or parties in interest shall, where reasonably possible, provide the evidence below, describing the circumstances of hardship, and any additional evidence requested by the Planning Director or Landmarks Commission or evidence the owner considers relevant.

- a. Nature of ownership (individual, business, or nonprofit) or legal possession, custody, and control.
- b. Financial resources of the owner and/or parties in interest.
- c. Cost of repairs.
- d. Assessed value of the land and improvements.
- e. Real estate taxes for the previous two years.
- f. Amount paid for the property, date of purchase, and party from whom purchased, including a description of the relationship between the owner and the person from whom the property was purchased, or other means of acquisition of title, such as by gift or inheritance.
- g. Annual debt service, if any, for previous two years.
- h. Any listing of the property for sale or rent, price asked, and offers received, if any.
- i. Annual gross income, if any, from the property for the previous two years.
- j. Itemized operating and maintenance expenses for the previous two years, including proof that adequate and competent management procedures were followed.
- k. Annual cash flow, if any, for the previous two years.

I. Powers and Election of Remedies

Nothing contained within this Chapter shall diminish the City/County's power to declare a building unsafe or in violation of the minimum building code or any other applicable statute or code. In addition, the procedures described herein are mandatory only for determinations being made solely under the authority of this Chapter. Where other sections of the City/County Code apply, the City/County may, in its discretion, choose to process any action regarding the property under such other provisions alone, or under such provisions along with these provisions concurrently, or solely under these provisions. The City/County may also suspend the procedures of this Chapter at any time if an action has been initiated under other applicable law.

J. Penalties and Remedies

Enforcement of this Chapter may be by any one or more of the following methods, and the institution of any action under any of these methods shall not relieve any party from any other civil or criminal proceeding prescribed for violations and prohibitions.

1. Equitable Remedy

The City/County may apply for any appropriate equitable remedy to enforce the provisions of this Chapter.

2. Order of Abatement

The City/County may apply for and the court may enter an order of abatement. An order of abatement may direct that improvements or repairs be made, or that any other action be taken that is necessary to bring the property into compliance with this Chapter. Whenever the party is cited for contempt by the court and the City/County has executed the order of abatement, the City/County shall have a lien on the property for the cost of executing the order of abatement.

K. Civil Penalty

Civil penalties may be assessed for failure to comply with a final administrative determination or an un-appealed Landmarks Commission decision under the provisions and guidelines for assessing such penalties for violations of this development code. Prior to imposing a civil penalty the Planning Director shall deliver a written notice by personal service or by registered mail or by certified mail, return receipt requested, to the person responsible for the violation indicating the nature of the violation and ordering corrective action. Where the violation is the failure to remedy a condition of neglect within the time periods provided by the Planning Director or the Landmarks Commission no additional time period for compliance need be given. The notice shall include information regarding the possible assessment of civil penalties and other possible enforcement actions.

6.4 AIRPORT DISTRICT (-AP)

6.4.1 Applicability

Properties subject to the Airport Overlay (-AP) District provisions and the specific height controls encumbering those properties shall be referenced on maps maintained and periodically updated by the Airport Authority. In cases of discrepancy, the specific Airport Overlay District boundaries depicted on maps maintained by the Airport Authority shall take precedence over generalized boundaries referenced on the Zoning Map. Within the Airport Overlay District, the maximum permitted height of structures shall be as prescribed by the Airport Authority.

6.4.2 General Provisions

The maximum height of all structures within the Airport Overlay District shall be regulated in order to prevent obstructions to aircraft navigation associated with the Memphis International Airport, thus protecting the health, safety and general welfare of the traveling public and this community. The provisions of this title are a supplement to the provisions of the Federal Aviation Act of 1958, 49 U.S.C. 1101 et seq., and Title 14, Code of Federal Regulations, Part 77 (as amended), all of which are incorporated into this code by reference.

6.5 FLOODPLAIN DISTRICT (-FP)

6.5.1 Purpose

The purpose of the Floodplain Overlay District (-FP) is to establish regulations governing the use of land and the construction of structures located in flood prone areas and to prevent and minimize the loss of life, property damage, health and safety hazards, pollution, government expenditures and disruption to the economic and social life of the community brought about by flooding.

6.5.2 Floodplain District Established

- A. The -FP District shall overlay land located in the floodplain in the City and County as shown on the Zoning Map (see 2.4). The regulations contained in this Chapter apply to such land in addition to the regulations contained in the underlying district. Where there is a conflict between the provisions of this Chapter and those of the underlying district, the provisions of this Chapter shall apply.
- B. The provisions of this Chapter shall apply to any new use and structure and any substantial improvement to an existing structure within a designated floodplain.

6.5.3 Additional Requirements for Permits and Approvals

- A. No permit or approval required by this development code or Building Code shall be granted unless the development, structure, or use of land proposed complies with the provisions of this Chapter.
- B. Any application for approval shall provide, in addition to any other information required by this development code, the following:
 - 1. The elevation in relation to Mean Sea Level, of the lowest habitable floor, including the basement, of each structure to be constructed on land located in the floodplain;
 - 2. A detailed statement of the floodproofing methods proposed to be used for such structures;
 - 3. The certification of a registered professional engineer or architect that the floodproofing methods proposed to be used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the base flood;
 - 4. A statement that all necessary permits have been received or will be applied for and received from those governmental agencies from which approval is required by federal or Tennessee Law.
 - 5. Any other information required by the person or body required to review or make the final decision with respect to the permit or approval requested in order for such person or body to determine whether the proposed development, structure or use of land complies with the provisions of this Section and will be adequately floodproofed to prevent or minimize damage to such development, structure or use.

6.5.4 Permitted Use

The uses permitted shall be those permitted in the underlying district.

6.5.5 Special Uses

The special uses allowed are those special uses allowed in the underlying district.

6.5.6 Site Plan Review

Uses requiring site plan review are those uses requiring such review in the underlying district.

6.5.7 Additional Standards

Any development, structure or use located in -FP District shall comply with the following additional standards.

- A. All structures and developments shall be designed to minimize flood damage to the proposed site for such structure or development as well as to other properties.
- B. All proposed structures and developments shall provide adequate drainage so as to reduce exposure to flood hazards.
- C. Structures shall be constructed with materials and utility equipment resistant to flood damage.
- D. Structures shall be constructed by methods and practices that minimize flood damage to other properties.
- E. Structures shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood water. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of

flood flow and so far as practicable structures shall be placed approximately on the same flood flow lines as those of adjoining structures.

- F. Structures shall be designed or modified and firmly anchored to prevent flotation, collapse or lateral movement.
- G. Structures shall be constructed so that the lowest floor, including the basement shall be at least equal to the flood base elevation. Any portion of a nonresidential structure below the flood base elevation shall be watertight and designed to resist hydrostatic and hydrodynamic loads and the effects of buoyancy. In the Fletcher Creek Drainage Basin District (see 6.6), all new structures or expansions of existing structures shall be constructed so that the lowest habitable floor, including the basement, shall be at least 30 inches above the 100 year base elevation according to the latest Flood Insurance Rate Maps, except as provided in 6.6.3F.
- H. All public utilities and facilities, such as sewer, gas, electrical and water systems shall be located, elevated and/or constructed to minimize or eliminate flood damage.
- I. All new and replacement water supply systems shall be designed to eliminate infiltration of flood waters into the systems.
- J. All new and replacement sanitary sewage systems shall be designed to minimize infiltration of flood waters into the systems and discharges from the systems into the flood waters.
- K. All new and replacement on-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- L. All utility and sanitary facilities shall be watertight if any portion of such facilities is located below the flood base elevation and shall be designed to resist hydrostatic and hydrodynamic loads and the effects of buoyancy.

6.5.8 Manufactured Homes

Any manufactured home located in the -FP District shall require a building permit to be issued and shall be subject to the following specific requirements:

- A. All manufactured home shall be anchored to resist flotation, collapse or lateral movement by providing over-the-top frame ties to ground anchors.
- B. Over-the-top ties shall be provided at each of the four corners of the manufactured home with two additional ties per side at intermediate locations on manufactured homes 50 feet or greater in length (a total of eight feet are required) and one additional tie per side on manufactured homes less than 50 feet in length (a total of six ties are required).
- C. Frame ties shall be provided at each of the four corners of the manufactured home, with five additional ties per side at intermediate locations on manufactured homes 50 feet or greater in length (a total of 14 ties are required) and four additional ties per side on manufactured homes less than 50 feet in length (a total of 12 ties are required).
- D. All components of the anchoring system shall be capable of carrying a force of 4,800 pounds.
- E. Any additions to a manufactured home shall be similarly anchored.
- F. Manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's Flood Insurance Rate Maps on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist floatation collapse and lateral movement.
- G. Manufactured homes that are to be placed or substantially improved on sites in existing manufactured home parks or subdivisions within zones A1-30, AH, and AE on the community's Flood Insurance Rate Maps that are not subject to the provisions of paragraph F. above be elevated so that either (i) the lowest floor of the manufactured home is at or above the base flood elevation or (ii) the manufactured home chassis is supported by reinforced piers or other foundation elements that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.
- H. Require for all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may

be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

6.5.9 Evaluation of Flood Hazards

The person or body required to review and make recommendations or final decisions on requests for building permits, special permits, subdivision approvals, site plan approvals or amendments to this code for a development, structure or uses of land to be located on land located in the floodplain shall evaluate what, if any, flood hazard could result from such development, construction of a structure or use of land. Such person or body shall consider whether:

- A. A proposed development, structure or use of land alone in conjunction with existing or proposed developments, structures or uses of land will cause an increase in flood heights or velocities which may endanger life or property.
- B. The proposed water supply and sanitation systems are adequate to prevent pollution and contamination.
- C. A proposed development, structure or use of land is susceptible to flood damage because of its design, siting, use of materials and location.
- D. A proposed development, structure or use of land is compatible with existing, proposed and anticipated development.
- E. A proposed development, structure or use of land will be readily accessible in times of flood.
- F. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site of the proposed development, structure or use of land will endanger life and property.
- G. A proposed development, structure or use of land along and in conjunction with other proposed developments, structures or uses of land will have an adverse impact on the health, safety and welfare of City and County residents by requiring large governmental expenditures for flood control facilities to protect such development, structure or use of land from damage from flooding.
- H. A proposed development complies with all other terms, conditions and standards of the -FP District and the underlying district.

6.5.10 Conditions Attached to Permitted Approvals

Upon consideration of the flood hazards of a proposed development, structure or use of land and its site, the person or body required to review or make a final decision may recommend, if the reviewing authority and may impose, if the final authority, conditions upon the granting of approval to further the purposes of this Chapter, which conditions may include:

- A. Requirements for waste collection and disposal facilities.
- B. Requirements for water supply facilities.
- C. Requirements for construction of dikes, levees and other protective measures.
- D. Flood proofing measures required for flood protection taking into consideration the elevation of a site compared to the flood base elevation and the elevation of adjacent sites, and the flood velocities, duration, rates of rise, hydrostatic and hydrodynamic forces and any other relevant flood conditions on the site.
- E. The flood proofing measures which may be required may include, without limitation:
 - 1. Installation of watertight doors, bulkheads, shutters or similar methods of construction.
 - 2. Reinforcement of walls to resist water pressures.
 - 3. Use of paints, membranes or mortars to reduce seepage of water through walls.
 - 4. Addition of mass or weight to structures to resist flotation.
 - 5. Installation of pumps to lower water levels in structures.
 - 6. Construction of water supply and waste treatment systems for structures to relieve external foundation wall and basement floor pressures.
 - 7. Installation of pumping facilities or comparable practices for subsurface drainage systems for structures to relieve external foundation wall and basement floor pressures.
 - 8. Construction to resist rupture or collapse caused by water pressure or floating debris.
 - 9. Installation of valves or controls on sanitary and storm drains which will permit the drains to be closed to prevent backup of sewage and storm waters into structures.
 - 10. Location of all electrical equipment, circuits and installed electrical appliances in a manner which will assure they are not subject to flooding.

6.5.11 Watercourse Standards

The Building Official shall notify adjacent communities and the Federal Insurance Administration prior to any alteration or relocation of a watercourse. The flood carrying capacity within the altered or relocate portion of any watercourses shall be maintained.

6.5.12 Reports and Records

- A. The Building Official shall provide the governing bodies and the Federal Insurance Administration with an annual report on forms as provided to the City and County by the Federal Insurance Administration.
- B. The Building Official shall maintain the records of first floor elevations, floodproofing certifications, permit applications and all other records as required by the Federal Insurance Administration.

6.6 FLETCHER CREEK DISTRICT (-FC)

6.6.1 Purpose

The purpose of the Fletcher Creek Overlay District (-FC) is to establish regulations governing the use of land and the construction of structures located in the Fletcher Creek Drainage Basin and to prevent and minimize the loss of life, property damage, health and safety hazards, pollution and disruption to the economic and social life of the community brought about by flooding.

6.6.2 Minor Site Plan Review

- A. Minor site plan review shall be required prior to the issuance of any building permit, (except for single family) for any new building or building expansion or replacement on lots of record or exempt lots in the -FC District (see 10.12). The administrative review process of complete applications shall be concluded within 14 days.
- B. In addition to filing requirements of 10.12, Site Plan Review, the following shall be required:
 1. An hydrologic study performed by a registered professional engineer, licensed in the State of Tennessee which will indicate how the development or construction proposed will prevent any increase in the peak discharge rate from pre to post development levels, based on a ten and 25 year 24 hour storm as described in the City of Memphis and Shelby County Storm Water Management Manual.
 2. A Maintenance Plan signed by the applicant that provides the property owner agrees to the following actions:
 - a. Upon completion of improvements, the applicant shall submit or cause to be submitted to the appropriate City or County Engineer the following: As Built Surveys of stormwater management structures. A letter signed by the design engineer certifying that improvements were built in substantial conformance with approved plans and will perform as intended.
 - b. A description of the type and frequency of maintenance activities that will ensure functioning of the structures and no reduction in storage capacity from silt or other debris.
 3. Elevation of proposed buildings or expansions. If in or within five feet of a flood hazard area, then the 100 year base flood elevation must also be indicated. All structures built within the district shall be at least 30 inches above the 100 year base flood elevation according to the latest FIRM maps, except as provided in 6.6.3C and 6.6.3F.
 4. Location of existing streams, channels or other drainage ways on the property and proposed storm water improvements to ensure handling the 10 and 25 year storm on site.
 5. Location of all other required improvements including but not limited to roads, sidewalks, landscaping and buffer areas.

6.6.3 Application of Regulations

- A. The -FC Overlay District land is shown on the Zoning Map (see 2.4).The regulations contained in this Chapter apply to the development of such land in addition to the regulations contained in the underlying zoning district for such land.
- B. The provisions of this Chapter apply to any new structure or expansion of an existing structure on a standard subdivided lot as well as on all otherwise exempt lots, planned developments including lots which meet exemption criteria established in 10.7 Subdivision Review, and lots of record and any other land exempted from providing stormwater discharge improvements located within the Fletcher Creek Drainage Basin.
- C. Notwithstanding anything to the contrary, the provisions of this Chapter shall not apply to any building that has been issued a building permit or use and occupancy certificate on or before the effective date of this development code.
- D. If a property is located within the Fletcher Creek Basin west of Raleigh-LaGrange Road, it is exempt from the detention requirements of this Chapter. Such properties are still subject to the detention requirements of the Memphis and Shelby County Storm Water Management Manual.
- E. If a development has an existing recorded final plat or has been issued a Final Plan/Plat Memorandum of Conformance by the Planning Director as of the effective date of this development code, the development will only be subject to the requirement for the lowest habitable floor elevations, including a basement, to be at least 30 inches above the 100 year base flood elevation according to the latest Flood Insurance Rate Maps.
- F. The only exception to the 30 inches above the 100 year base flood elevation minimum floor elevation for issuance of a building permit is for an expansion of a single-family home which existed as of the effective date of this

development code, which requires the lowest habitable floor elevation to be one foot above the 100 year base flood elevation according to the latest Flood Insurance Rate Maps.

6.6.4 Additional Requirements for Permits and Approvals

- A. No permit or approval required by this development code or Building Code shall be granted unless the development, structure, or use of land proposed complies with the provisions of this Chapter.
- B. Any application for approval shall be required to:
 1. Ensure the proposed development or construction will not increase the peak discharge rate from pre-development levels to post-development levels, based on a ten and 25 year, 24 hour storm as described in the Memphis and Shelby County Storm Water Management Manual. An hydrologic study prepared by a registered professional engineer, licensed in the State of Tennessee will be required to be submitted to the City and/or County Engineering Departments which will show how the proposed development or construction will prevent any increase in the peak discharge rate from pre- to post-development levels, based on a ten and 25 year, 24 hour storm as described in the Memphis and Shelby County Storm Water Management Manual.
 2. Prepare and submit a Maintenance Plan, signed by the applicant, for any stormwater management improvements proposed or required. The owner is also responsible for maintaining any required stormwater detention to ensure storage capacity is maintained and the system is functioning properly. In the event that improper maintenance of private drainage facilities leads to situations which may impact on public safety, the City or County shall have the right where necessary to protect the public safety to enter onto private property for the purposes of repairing those facilities and restoring them to proper operation. The cost of said repairs are the responsibility of the property owner. The City or County shall bear no responsibility for repairs to private facilities. The City or County will bill the owner and if not paid within a reasonable time period, may place a lien on the property.
 3. A Maintenance Plan signed by the applicant that provides the property owner agrees to the following actions:
 - a. Upon completion of improvements, the applicant shall submit or cause to be submitted to the appropriate City or County Engineer the following:
 - 1) As Built Surveys of stormwater management structures.
 - 2) A letter signed by the design engineer certifying that improvements were built in substantial conformance with approved plans and will perform as intended.
 - b. A description of the type and frequency of maintenance activities that will ensure functioning of the structure and no reduction in storage capacity from silt or other debris.
 4. There shall be no net loss of storage within the 100 year floodplain as defined and depicted on the 1982 FEMA Flood Insurance Rate Maps (FIRM). Any filling of a building site within this portion of the Fletcher Creek Flood Hazard Area will provide an equal amount of replacement of the floodplain capacity reduced by the fill. In-kind replacement of lost storage shall be provided by each development.
 5. Building permits for new structures or building expansions in the -FC District will require an Affidavit of floor elevation showing the lowest habitable floor at least 30 inches above the 100 year base flood according to the latest Flood Insurance Rate Maps and the required drainage improvements for the -FC District signed by a licensed engineer or registered land surveyor submitted to Code Enforcement with a copy to the appropriate City or County Engineering Department.
 6. The only exception to the 30 inch minimum above 100 year base flood for issuance of a building permit is for an expansion of an existing single-family detached home, which requires the lowest habitable floor elevation of the expansion be at least one foot above the 100 year base flood elevation.

6.7 NEIGHBORHOOD CONSERVATION DISTRICT (-NC)

6.7.1 Purpose

The purpose of Neighborhood Conservation (-NC) Overlay District is to:

- A. Preserve and protect the character and valued features of established neighborhoods;
- B. Recognize the diversity among neighborhoods;
- C. Reduce conflicts between new construction and development in established neighborhoods;
- D. Provide knowledge about the parameters of neighborhood character; and
- E. Allow neighborhoods to formulate a plan that defines the common interests of the community that fosters a defined character for an established neighborhood.

6.7.2 Certificate of Compliance Required

If a property owner within an adopted Neighborhood Conservation District seeks a building permit, the owner must receive a Certificate of Compliance issued by the Planning Director for such work (see 6.7.11, Certificate of Compliance).

6.7.3 General Provisions

A. District Establishment

Each Neighborhood Conservation Overlay District shall be established by a separate resolution that shall include a map defining the overlay boundaries, and the Neighborhood Conservation Plan and shall become part of the Zoning Map (see 2.4).

B. Plan Required

All new development, additions, changes, and expansions within a Neighborhood Conservation Overlay District shall comply with the regulations associated with the Neighborhood Conservation Overlay District Plan (see 6.7.7).

C. District Specifics

A Neighborhood Conservation Overlay District:

1. Shall include a minimum of 15 adjacent privately-owned parcels, unless the area proposed is an extension of the boundaries of a previously approved Neighborhood Conservation Overlay District.
2. Shall include public/private-owned parcels that are but not limited to:
 - a. Contiguous;
 - b. Show similar development patterns;
 - c. Of similar size; and
 - d. Associated by common characteristics of geography, development, services, and interests.
3. Shall consider other adjacent privately-owned parcels having shared distinguishing characteristics that could be found to comprise a logical neighborhood unit, when determining the boundaries of a Neighborhood Conservation Overlay District.

D. Nonconformities

Uses and structures legally existing at the time of the adoption of a Neighborhood Conservation Overlay District under these regulations may not become nonconforming solely by virtue of adoption of the District. Notwithstanding this provision, any changes or additions to uses or structures in the District that occur after the date of adoption of the District, shall comply with the provisions of the adopted District.

6.7.4 District Initiation

The establishment of a Neighborhood Conservation Overlay District may only be initiated by a group of 50% or more of the property owners within the proposed boundaries demonstrating interest in the Neighborhood Conservation Overlay District.

6.7.5 Pre-application Conference

A pre-application conference (see 10.3.1) shall be held prior to the submission of an application for a Neighborhood Conservation Overlay District.

6.7.6 Application and Submittal Requirements

An application for a Neighborhood Conservation Overlay District shall include the following:

- A. Statement of Purpose that addresses the following issues:
 1. What the proposed Neighborhood Conservation Overlay District wants to accomplish and why;
 2. Description of neighborhood character and valued features to be protected in the neighborhood; and
 3. Why the proposed Neighborhood Conservation Overlay District boundaries constitute a defined "neighborhood".
- B. A map that indicates the boundaries of the proposed Neighborhood Conservation Overlay District, and identifies the parcels within it.
- C. Description of the neighborhood, detailing land use, development, and distinguishing characteristics of neighborhood.
- D. Description of the history and evolution of the neighborhood.
- E. A petition that is (i) affirmatively signed by at least 50% of the property owners of parcels within the proposed district, indicating those owners' support for the City/County to proceed with processing of the application, and (ii) signed by all of the other owners of parcels in the proposed district indicating whether the property owner is AGAINST, UNDECIDED, or HAS NO COMMENT on the application; if the signature of the owner cannot be obtained, the applicant may substitute a signed affidavit stating that the applicant has attempted in good faith to obtain the signature of the owner but has been unable to do so. Owners of record will be based on currently available Assessor's information.
- F. The name and phone number of a designated representative for the neighborhood, who has the power to withdraw the application at any time.
- G. A list of all homeowner associations or other parties with an interest in the proposed Neighborhood Conservation Overlay District. This list should include information as to the number of members and the officers' names, mailing addresses, and phone numbers.

6.7.7 Neighborhood Conservation Plan

A. General

1. A Neighborhood Conservation Plan shall detail the policies intended to protect the neighborhood character and valued features identified in the proposed Neighborhood Conservation Overlay District. The Neighborhood Conservation Plan shall be drafted in cooperation with the neighborhood and the Division of Planning and Development.
2. The Division of Planning and Development staff shall conduct a land use analysis of the neighborhood and shall present it at the neighborhood meetings. The land use analysis should include at least the following elements:
 - a. Zoning of area;
 - b. Lot sizes and configuration;
 - c. Land uses in the neighborhood;
 - d. Description of housing and other uses;
 - e. Previous land use reviews completed in the neighborhood; and
 - f. Aerial photos of neighborhood showing structure locations.

B. Neighborhood Meetings

1. At a minimum, two neighborhood meetings shall be conducted in conjunction with Division of Planning and Development staff as part of the Neighborhood Conservation Plan formulation process:
 - a. An initial meeting to discuss the land use analysis, the boundaries of the proposed Overlay District, and what the neighborhood wants to accomplish with the Neighborhood Conservation Overlay District.
 - b. A final meeting to present and discuss the final proposed Neighborhood Conservation Plan.
2. All property owners within the proposed Neighborhood Conservation Overlay District boundaries will be notified by the Planning Director of the meeting date and time, and shall be sent information about the proposal.

C. Plan Contents

A Neighborhood Conservation Plan shall include the following:

1. A map indicating the properties included and the proposed boundaries of the Neighborhood Conservation Overlay District. These boundaries may change from those initially submitted or proposed, based on land use analysis and input from neighborhood meetings and property owners.
2. The proposed development standards and requirements for the Neighborhood Conservation Overlay District.
3. Other standards or background information related to the Neighborhood Conservation Overlay District such as:
 - a. Location of proposed buildings or additions;
 - b. Height;
 - c. Size;
 - d. Exterior materials;
 - e. Exterior lighting;
 - f. Neighborhood character and compatibility;
 - g. Vistas preservation of or from specific locations, particularly from public lands and right of ways;
 - h. Visual impact on natural features or neighborhood character;
 - i. Compatibility with topography and vegetation;
 - j. Landscaping and screening;
 - k. Historic or archaeological resources;
 - l. Runoff, erosion, and sedimentation; and
 - m. impact on Natural Landmarks or Natural Areas.

6.7.8 Conditions for Approval

The Neighborhood Conservation Overlay District shall be approved only if the governing bodies find that:

- A. The proposed Neighborhood Conservation Overlay District is an established area with shared distinguishing characteristics, which may include geography, development, services, and interests.
- B. The proposed Neighborhood Conservation Overlay District is a logical neighborhood unit with a closely settled development pattern on similar sized parcels.
- C. The Neighborhood Conservation Overlay District Plan must be consistent with any applicable adopted plan for the areas (see 1.8), all applicable intergovernmental agreements, and the provisions of this development code.

6.7.9 Agency and Public Review

- A. Review of a Neighborhood Conservation Plan shall proceed through the zoning changes process as set forth in 10.5, Zoning Change.
- B. The written consent of at least 72% of the owners of record of the parcels within the proposed Neighborhood Conservation Overlay District, with each property allowed only one vote, must be obtained prior to review of the Neighborhood Conservation Overlay District by the governing bodies. Owners of record will be based on currently available Assessor's information.
- C. Resolution of approval by the governing bodies shall include the Neighborhood Conservation Plan, and any specific site plan review criteria covered by Plan.

6.7.10 Amendments to an Approved Neighborhood District

- A. A text amendment to an approved Neighborhood Conservation Overlay District shall go through the zoning text amendment process as set forth in 10.4, Text Amendment.
- B. A map amendment to an approved Neighborhood Conservation Overlay District shall go through the zoning map amendment process as set forth in 10.5, Zoning Change.

6.7.11 Certificate of Compliance

- A. Within an adopted Neighborhood Conservation Overlay District, a Certificate of Compliance shall be issued prior beginning work and to receiving any other permits required by law, including but not limited to, required building permits.
- B. Applications for a Certificate of Compliance shall be made to the Planning Director, and shall include the following information:

1. A narrative describing the proposed work;
 2. A site plan;
 3. Photographs of existing conditions;
 4. Plans and illustrations of proposed work; and
 5. Other information as the Planning Director may reasonably require to determine compliance with the approved Neighborhood Conservation Plan adopted for the Neighborhood Conservation Overlay District.
- C. The Planning Director shall issue a Certificate of Compliance if there is compliance with the Neighborhood Conservation Plan as adopted for the Neighborhood Conservation Overlay District, and may attach conditions to a Certificate of Compliance which are reasonably required to meet the purpose of this development code. If the Planning Director does not issue a Certificate of Compliance or a written denial of an application for a Certificate of Compliance within 30 days after receiving an application with all required information, the Planning Director shall be deemed to have issued the Certificate of Compliance without conditions.
- D. Issuance of a required Certificate of Compliance shall be a prerequisite to an application for a building permit within the Neighborhood Conservation Overlay District. The Building Official shall not accept an application for a building permit within the Neighborhood Conservation Overlay District unless it is accompanied by proof that a required Certificate of Compliance was issued or was deemed issued under provision this development code.

6.7.12 Enforcement

Whenever a building, streetscape or vistas is in violation of an approved Neighborhood Conservation Plan for a Neighborhood Conservation Overlay District, the Planning Director may serve written notice of the violation upon the violator directing compliance within a reasonable period of not less than ten days as determined by the Planning Director.

Article 7. Site Development Standards

7.1 APPLICABILITY

A. The site development standards of this Article shall be apply to each Chapter as set forth below.

Editor's Note: Discuss applicability of site development standards ?

TYPE OF DEVELOPMENT	Access Management	Parking & Loading	Landscaping & Screening	Outdoor Lighting	Outdoor Storage & Display	Signs
Commercial, Office, Industrial, Mixed Use						
New Construction						
Change of Use, Expansion of Use						
Expansion of Building Area 0%-25% expansion of building area 26% to 50% expansion of building area 51% or greater expansion of building area						
Expansion of Parking Area Only (Not in conjunction with a use/building expansion) Up to 5 spaces 6 or more additional spaces						
Multi-family (Three or more units)						
New Construction						
Change of Use						
Expansion of Use (addition, additional unit, recreational facility)						
Single-Family (attached or detached)						
New Construction						
Change of Use						
Expansion of Use (addition, accessory structure, deck, porch, shed, detached garage, recreational facility)						

- B. Prior to approval final construction or grading approval, the applicant shall have installed improvements as specified in this development code or guaranteed their installation as provided in Article 9.
- C. No municipal services or utilities shall be extended or furnished to any development until the applicant has installed the improvements specified in this development code or guaranteed their installation as provided for Article 9.

7.1.2 Improvements

- A. Engineering plans and specifications shall be in accordance with applicable standards of the City or County pertaining to construction of, paving, drainage, sidewalk, driveways, streets, alleys, culverts, and any other facilities regulated by City or County ordinances or design standards.
- B. No improvements shall be made until all plans, profiles and specifications have been reviewed and approved by the City, County or other government agency under whose authority is required to approve.
- C. The applicant shall enter into a standard improvement contract to construct at the applicant expense the improvements required in this Article, and other provisions of development code as set forth in Article 9.

7.2 ACCESS MANAGEMENT

Conformance to the standards of this Chapter shall be in accordance with 7.1, Applicability.

7.2.1 Street Access

- A. Every building shall be located on a lot abutting a public street or private street built in accordance with the standards in 9.2.
- B. Unless otherwise allowed by the City or County Engineer, outparcels shall take access from within the development.
- C. All retail parcels shall provide a shared access easement with a minimum concrete paving width of 24 feet when abutting another nonresidentially-zoned property zoned for retail activity, unless otherwise approved by the City or County Engineer. The City or County Engineer may require a wider width depending on the use of the drive.
- D. Where other access is available or where another driveway is possible that conforms to these requirements, the City or County Engineer, or the Tennessee Department of Transportation shall have the right to close any driveway where it has been determined by that such driveway poses or could pose a threat to public safety. If closed, the property owner shall be required to remove the drive approach and associated driveway, install a concrete curb to connect to adjacent curbs, and shall landscape and irrigate the area in accordance with requirements of this development code.
- E. There shall be no parking or driveway designed in such a way that will require or allow the backing of vehicles into an arterial-classed street.
- F. Public streets shall not be used as maneuvering areas for backing into or onto a property.
- G. There shall not be allowed any vehicle or obstacle to block driveways intended for use as a fire lane, cross-access easement or required parking.

7.2.2 Access to Major Roads

- A. Whenever a subdivision that involves the creation of one or more new streets borders on or contains an existing or proposed major road, no direct driveway access may be provided from lots within the subdivision onto this street unless the lot width is 100 feet or greater.
- B. When a lot or development (except for a single-family residential development) borders on or contains an existing or proposed major road, access to the major road may be limited by one of the following means:
 - 1. Driveway access between the lot and the major road shall be located not closer than the distance listed in the table below to the nearest centerline of any other proposed or existing driveway access along the same side of the major road.

Street Type	Driveway Separation (Centerline)
Collector	200 feet
Minor Arterial	300 feet
Principal Arterial	400 feet

- 2. Lots shall be subdivided so as to provide access onto a frontage road or reverse frontage road. The centerline of the frontage or reverse frontage road where it intersects the major road shall be no closer than twice the distance in the table above to the centerline of the nearest proposed or existing driveway access or road.
 - 3. Approval of driveway access between a lot and the major road at an interval less than those specified may be granted only by review and recommendation of the City or County Engineer. The primary mode of access at a lower interval shall be a right-in, right-out access with a channelized island.
- C. The driveway access provisions shall not be applicable to any subdivision lot where:
 - 1. The effect of such application would be to deprive the lot of reasonable access; or
 - 2. The size of the parcel being subdivided, or lack of frontage on the major road makes the alternatives above not feasible.
- D. No certificate of occupancy may be issued until the major road access requirements of this Chapter have been met.

7.2.3 Access to Minor Roads

All access to minor thoroughfares shall occur in accordance with the following.

A. Provision of a Frontage Road

Lots may take direct access onto a frontage road.

B. Provision of Cul-de-sacs

Lots may take indirect access by fronting on cul-de-sacs.

C. Change of Lot Orientation

Lots may front on a parallel residential street.

7.2.4 Residential Driveways

Residential driveway access to and from streets shall be constructed in accordance with City or County standards as outlined below:

A. Width of Driveway

The width of a residential driveway shall be no less than ten feet and no more than 24 feet. When two residential driveways coincide along a property line, the maximum width shall not exceed 24 feet The width of the driveway shall be measured at the subject property line.

B. Number of Driveway Access Points

The number of residential driveway access points servicing any lawful lot should be limited to one; however, in no instance shall there be more than two residential driveway access points servicing the lot.

C. Location of Driveway Access Points

Residential driveways shall be spaced at least 20 feet from any other driveway on the same lot, but not nearer than 3½ feet to any lot line, except where two residential driveways coincide along the same lot line. The minimum corner clearance from the curb line or edge of pavement of intersecting streets shall be at least 20 feet from the point of tangency of the radius curvature, or 20 feet from the intersection of right-of-way lines, whichever is greater. The radius of the driveway shall not encroach on the minimum corner clearance.

7.2.5 Use of Residentially Zoned Property for Access

No land which is residentially zoned shall be used for driveway or vehicular access purposes to any land which is nonresidentially-zoned.

7.2.6 Driveways for Multifamily and Nonresidential Uses

- A. Unless otherwise approved or required by the City or County Engineer a platted lot shall be permitted only one driveway. Such determination shall consider site design, pedestrian and vehicle circulation, adjacent uses, topography, speed of traffic on the road being exited from, and other such considerations. Where required, driveways shall be contained wholly within the property frontage or as part of a joint access easement with an adjacent platted lot, tract, or parcel of land.
- B. Unless approved or required by the City or County Engineer, the permitted driveway for a corner lot shall connect to the street with the lower roadway classification except that no access shall be permitted to a local residential street without approval by the City or County Engineer.
- C. Additional driveways may be considered. The table below is intended to provide criteria that will be used in making a determination. In addition, evaluation shall consider the minimum driveway spacing and location requirements are met as follows, or where analysis has determined size and configuration of a single driveway cannot accommodate the traffic.

Lot Frontage	Permitted Driveways
200 feet of frontage or less	1
201 feet to 400 feet of frontage	2
201 feet to 600 feet of frontage	3
201 feet to 800 feet of frontage	4

- D. Additional driveways based on actual or projected peak hour exiting trips from the lot, parcel, or tract of land may be permitted as follows.

Peak Hour Exiting Trips	Permitted Driveways
100 exiting trips or less	1
101 – 200 exiting trips	2
201 – 600 exiting trips	3
600 + exiting trips	4 with traffic study

- E. One additional driveway may be permitted by the City or County Engineer for access to and from a corner lot unless there are already two driveways serving the corner lot.
 F. The width of driveways shall match the table below.

Land use	Configuration	Driveway Width
Multifamily, Commercial	Single lane entrance, exit	24 feet
	Single entrance, right and left exit	36 feet
	Dual entrance, right and left exit	40 feet
Industrial	Single lane entrance, exit	48 feet

- G. On all corner lots, all driveways shall be located at least 20 feet from the point of intersection of established right-of-way lines. No entrance and exit, whether or not on a corner lot, shall exceed 30 feet in width at the property line or 40 feet in width at the curb line.

7.2.7 Clear Sight Triangle

At the intersection of a driveway and a street and on all corner lots (the intersection of two streets), a clear sight triangle shall be established as set forth in 3.2.5.

7.2.8 Guardhouses and Gates

Guardhouses, gates and other vehicular control devices are permitted subject to the following standards.

A. Residential Uses

Vehicle control devices for residential uses shall meet the following standards.

Street Type	Residential Units	Queue Space Depth
Local	0 to 30 units	20 feet
	30 + units	40 feet
Collector	0 to 150 units	40 feet
	150+ units	60 feet
Major	0 to 30 units	40 feet
	30 + units	60 feet

B. All Other Uses

Vehicle control devices for mixed and nonresidential uses shall meet the following standards.

Street Type	Queue Space Depth
Local	20 feet
Collector	20 feet
Major	40 feet

C. Applicable Standards

1. Adequate maneuvering room shall be provided for vehicles to exit in a forward motion, subject to approval of the Building Official and City or County Fire Official.

2. Emergency entrance and “exit only” gates shall be exempt from the queuing requirements. Gate openings shall provide a minimum of 20 feet of clear width.
3. Guardhouses and gates shall meet the requirements in Automatic Safety Bulletin #149, the Fire Official shall require a siren-operated system (SOS) or other approved device that allows remote activation of the gate from the emergency vehicle.
4. No queuing spaces shall be located within the public right-of-way.
5. No gate shall swing out over the public right-of-way.
6. Queuing spaces shall be measured from the back of the sidewalk, or back of curb when no sidewalk is present.
7. The Building Official shall have the authority to approve a variation from the queue space requirements of this section.

7.3 PARKING AND LOADING

7.3.1 Applicability

- A. Conformance to the standards of this Chapter shall be in accordance with 7.1, Applicability. All applicable uses and developments shall provide off-street parking and loading facilities in accordance with this Chapter. No certificate of occupancy shall be issued until these parking requirements and regulations have been met.
- B. With the exception of a restriping of a parking or vehicular use area that does not result in a reconfiguration of the any parking spaces or parking lot layout, any modification to existing parking or vehicular use area shall conform to the requirements of this Chapter.
- C. No land shall be developed as a parking or vehicular use area (except single-family) without an approved site plan issued in accordance with 10.12, Site Plan Review.

7.3.2 General Provisions

A. Parking Required

No use shall provide less than the minimum or more than the maximum number of off-street parking spaces required under this Chapter. The use of any property is conditional upon the unqualified continuance and availability of the parking as required by this development code. In phased projects, individual phases of the project are exempt from the maximum parking standards, provided that the entire project does not exceed the maximum allowable parking at full build-out.

B. Use of Parking Spaces

Required parking spaces shall not be used for the storage or sale of merchandise, vehicle storage, vehicles for sale, or vehicle repair. Non-required spaces proposed for these uses shall be designated on a site plan (see also 2.9, Temporary Uses).

C. Location of Required Parking Spaces

Off-street parking spaces required by this Chapter shall be located as set forth below.

1. Single-Family Detached, Single-Family Attached, Large Homes

Required parking spaces shall be located on the same lot, not including on-street parking (see 7.3.3C).

Only designated driveways within the setback area between the primary structure and the street may be used for parking (see also 7.2.4).

2. Townhouse, Stacked Townhouse, Apartment, Nonresidential Uses

Required parking spaces shall be located on the same lot or on land within 300 feet of the building, structure or use served along the shortest available pedestrian route (measured from the nearest point of the parking area to the nearest point of the building, structure or use served by such parking lot); provided that such off-site parking complies with the following requirements (see 2.7.2G for additional requirements for a place of worship).

- a. Meets the on-street parking requirements of 7.3.3C.
- b. Such off-site parking spaces are located within a district which would permit the use to which such parking is accessory.
- c. Such off-site parking spaces are in the same ownership as the use served, or if not in the same ownership, the Planning Director determines that such off-site parking spaces are reasonably likely to remain available for use during the life of the use to be served.
- d. The owner of the use requesting the use of off-site parking spaces to fulfill required off-street parking requirements shall submit legal instruments to the Planning Director for review by the City or County Attorney who shall submit a report to the Planning Director indicating the length of time the owner may use such off-street parking spaces under such legal instruments and any other information the Attorney considers relevant to the Planning Director's determination.
- e. For Townhouse, Stacked Townhouse, and Apartment housing types, no parking is permitted between the building and street (see 3.8.1 specific parking placement requirements).
- f. For nonresidential uses, all parking lots shall observe the parking setback requirements of Article 3, Building Envelope Standards.

D. Accessible Parking Spaces

The minimum number of handicap parking spaces shall conform to Americans with Disabilities Act (ADA) requirements. Refer to the locally-approved ADA code.

E. Clear Sight Triangle

No parking lot or vehicular use area shall interfere with a clear sight triangle as established as in 3.2.5.

7.3.3 Parking Ratios

A. Calculation of Parking Ratios

1. Developments containing more than one use shall provide parking spaces in an amount equal to the total of the requirements for all uses. A shared parking reduction may be allowed in accordance with an approved alternative parking plan (see 7.3.4).
2. Where fractional spaces result, the parking spaces required shall be construed to be the next highest whole number. When parking spaces are computed on the basis of the number of employees or students, the maximum number present at any one time shall govern.
3. The parking space requirements for a use not specifically listed in the table below shall be the same as for the listed use deemed most similar to the proposed use by the Planning Director.
4. In residential districts in which garage space is provided, the garage space may be considered in determining whether required parking has been met.
5. Tandem parking is permitted in association with all single-family detached and single-family attached housing types. Tandem parking may be allowed in association with all other housing types through the special exception process (10.13).

B. Minimum Parking Ratios

Off-street parking spaces shall be provided for all uses listed in the amounts specified below. Where in the opinion of the applicant, a listed ratio requires too much or too little parking, the applicant may provide an alternative parking plan with data submitted in support of higher or lower ratios (see 7.3.4). No minimum off-street parking spaces are required in the CBD District.

Use Category	Specific Use	Minimum Parking Spaces
SF= Square Feet GFA = Gross Floor Area		
RESIDENTIAL		
Household Living (see 2.10.2A)	Single-Family Detached, Single-Family Attached	2.0 per unit
	Single-Family Detached (conventional, side yard house, cottage) on lots less than 40 ft. in width	1.0 per unit
	Multifamily, Upper-Story Residential	
	Guest	0.2 per unit
	Studio	1.0 per unit
	1 bedroom	1.5 per unit
	2 bedroom	2.0 per unit
	3 bedroom	2.5 per unit
	4 bedroom	3.0 per unit
	Live-Work	2.0 per residential unit
	Manufactured Home Unit	2.0 per unit
	Guest	0.2 per unit
Group Living (see 2.10.2B)	All uses	1.0 per 2 bedrooms
CIVIC		
Community Service (see 2.10.3A)	All uses	1.0 per 300 SF GFA

Use Category	Specific Use	Minimum Parking Spaces
SF= Square Feet GFA = Gross Floor Area		
Day Care (see 2.10.3B)	All uses	1.0 per 300 SF GFA
Educational Facility (see 2.10.3C)	Elementary, Junior High	1.0 per 300 SF of classroom/office
	All other uses	1.0 per 300 SF of classroom/office
Medical Facility (see 2.10.3D)	Hospital	0.5 space per bed & 1.0 space per doctor on staff + 0.5 space per employee
	Medical, dental office or chiropractor	1.0 per 150 SF GFA
	All other uses	1.0 per 200 SF GFA
Park/Open Area (see 2.10.3E)	Botanical garden, nature preserve, recreational trail	1.0 per 10,000 SF outdoor lot area, plus 1.0 per 1,000 SF indoor GFA
	Cemetery, mausoleum, columbarium, memorial park including pet cemetery, burial grounds	1.0 per 150 plots plus 1.0 per 350 SF office area
	Park, Recreation Field	1.0 per 10,000 SF outdoor lot area
Passenger Terminal (see 2.10.3F)	All uses	1.0 per employee, plus 1.0 per 250 SF of terminal area
Place of Worship (see 2.10.3G)	All uses	1.0 per 5 seats or bench seating spaces in main worship space
Social Service Institution (see 2.10.3H)	All uses	1.0 per employee plus 1.0 per 250 SF office area
Utilities (see 2.10.3I)	All uses	1.0 per vehicle normally required to service the utility
COMMERCIAL		
Indoor Recreation (see 2.10.4A)	Bar, tavern, cocktail lounge, nightclub, restaurant with entertainment	1.0 per 100 SF GFA
	All other uses with fixed seats	1.0 per 4 seats
	All other uses without fixed seats	1.0 per 200 SF GFA
Office (see 2.10.4B)	Call Center	1.0 per 150 SFGFA
	All other uses	1.0 per 300 SF GFA
Outdoor Recreation (see 2.10.4C)	Recreational vehicle park	1.0 per 4 pad sites
	Golf course, country club	4.0 per hole & 1.0 per employee
	Outdoor shooting range	Min 5.0 & 1.0 per firing position
	Stadium or arena, commercial amphitheater	1.0 per 4 seats
	All other uses	1.0 per 500 SF GFA & 1.0 per 1,000 SF of outdoor use area
Overnight Lodging (see 2.10.4D)	All uses	1.0 per room
Parking, Commercial (see 2.10.4F)	All uses	None required
Restaurant (see 2.10.4G)	All uses	1.0 per 100 SF GFA
Retail Sales and Service (see 2.10.4H)	Furniture store	1.0 per 600 SF GFA
	Art or photo studio, gallery	1.0 per 500 SF GFA
	All other uses	1.0 per 300 SF GFA
Self-Service Storage (see 2.10.4I)	All uses	1 per 250 SF office space

Use Category	Specific Use	Minimum Parking Spaces
SF= Square Feet GFA = Gross Floor Area		
Vehicle Sales and Service (see 2.10.4J)	Car wash, self- and full-service	2.0 per bay
	Auto rental, sales or leasing or boat and recreational vehicle sales	1.0 per 500 indoor SF GFA, plus 1.0 per 10,000 SF outdoor lot area
	All other uses	5.0 per bay or 1.0 per 250 SF GFA, as applicable whichever is greater
Water-Oriented (see 2.10.4K)	All uses	1.0 space per 2 wet boat slips
INDUSTRIAL		
Wholesale Trade (see 2.10.5A)	All uses	1 per 300 SF GFA office space + 1 additional per 1,000 SF GFA outdoor facility 1 per 2,500 SF indoor storage area
Light Industrial (see 2.10.5B)	Research or experimental laboratory, without manufacturing	1 per 300 SF office space
	All other uses	1 per 600 SF GFA office space 1 additional per 1,000 SF GFA outdoor facility 1 per 2,500 SF indoor storage area
Warehouse and Distribution (see 2.10.5C)	All uses	1 per 500 SF GFA office space 1 additional per 1,000 SF GFA outdoor facility 1 per 2,500 SF indoor storage area
Heavy Industrial (see 2.10.5D)	All uses	1 per 700 SF GFA office space 1 additional per 1,000 SF GFA outdoor facility 1 per 2,500 SF indoor storage area
Waste-Related Service (see 2.10.5E)	All uses	1 per 250 SF GFA office space 1 additional per 1,000 SF GFA outdoor facility 1 per 2,500 SF indoor storage area
OPEN		
Agriculture Uses (see 2.10.6A)	All uses	None required
Resource Extraction (see 2.10.6B)	All uses	None required

C. On-Street Parking Credit

On-street parking spaces located immediately abutting the subject parcel, entirely within the extension of the side lot lines into the roadway, and not within any required clear sight triangle may be counted toward meeting the required parking ratios. Where streets have been signed “No Parking” by the City or County, no credit for on-street parking shall be available.

D. Unspecified Tenants in Industrial Buildings

This provision applies to buildings with unspecified tenants in industrial districts. Where tenants are specified and listed by name of company, parking is calculated according to the uses identified in the floor plan. Where tenants are not specified, parking is calculated with 20% office and 80% warehouse.

E. Maximum Parking Permitted

1. No use shall provide more than 125% of the required parking ratios unless any parking above the 125% threshold is pervious or is provided through use of structured parking.
2. Where a project is intended to be developed in phases, the Planning Director may approve development of a parking area intended to serve current and future development.

F. Modifications

The Planning Director may reduce the required number of spaces by up to five percent for uses within ¼ mile of a designated bus, streetcar, or light rail stop.

7.3.4 Alternative Parking Plan

Unless an alternative parking plan is approved at the time of site plan approval, the parking ratios of 7.3.3 shall apply.

A. General

The requirements of 7.3.3 may be modified where applicant-submitted parking data, prepared and sealed by a registered engineer in the State of Tennessee with transportation expertise, illustrates that required parking ratios do not accurately apply to a specific development. The data submitted for an alternative parking plan shall include, at a minimum, the size and type of the proposed development, the mix of uses, the anticipated rate of parking turnover and the anticipated peak parking and traffic loads of all uses.

B. Off-Site Parking

Required off-street parking spaces may be permitted on a separate lot from the lot on which the principal use is located if the off-site parking complies with the all of following standards.

1. Ineligible Activities

Off-site parking may not be used to satisfy the required parking ratios for residential uses (except for guest parking), as well as convenience stores or other convenience-oriented uses. Required parking spaces reserved for persons with disabilities may not be located off-site.

2. Location

- a. Off-site parking spaces shall be located within 600 feet from the primary entrance of the use served along the shortest available pedestrian route (measured from the nearest point of the parking area to the nearest point of the building, structure served by such parking lot). Off-site parking may not be separated from the use that it serves by a street right-of-way with a width of more than 80 feet unless a designated pedestrian crosswalk or walkway is provided.
- b. The off-site parking shall located wholly within a district that allows commercial parking as principal use.

3. Agreement

- a. In the event that an off-site parking area is not under the same ownership as the principal use served, a written agreement between the record owners shall be required.
- b. The owner of the off-site parking area shall enter into a written agreement with the City or County, with enforcement running to the City or County, providing that the land comprising the parking area shall never be disposed of except in conjunction with the sale of the building which the parking area serves so long as the facilities are required; and that the owner agrees to bear the expense of recording the agreement and such agreement shall bind his or her heirs, successors, and assigns.
- c. An off-site parking agreement may be rescinded only if all required off-street parking spaces are provided in accordance with 7.3.3.

C. Shared Parking

Shared parking facilities may be permitted if the shared parking complies with the all of following standards.

1. Ineligible Activities

Required parking spaces reserved for persons with disabilities may not be located off-site.

2. Location

Shared parking spaces shall be located within 600 feet of the primary entrance of all uses served along the shortest available pedestrian route (measured from the nearest point of the parking area to the nearest point of the building, structure or use served by such parking lot) unless shuttle bus service is provided to the parking area.

3. Shared Parking Study

Applicants wishing to use shared parking as a means of reducing the total number of required spaces shall submit a shared parking analysis using the latest edition of Urban Land Institute's Shared Parking. The study shall be provided in a form established by the Planning Director and made available to the public. It shall address, at minimum, the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover and the anticipated peak parking and traffic loads for all uses that will be sharing parking spaces.

4. Agreement

- a. A shared parking plan shall be enforced through written agreement among all owners of record. An attested copy of the agreement between the owners of record shall be submitted to the Planning Director on forms made available by the Planning Director.
- b. A shared parking agreement may be rescinded only if all required off-street parking spaces are provided in accordance with 7.3.3.

D. Valet Parking

Valet parking may be permitted as a means of satisfying otherwise applicable parking requirements where all of the following standards have been met:

1. Adequate assurance of the continued operation of the valet parking is provided, such as a contractual agreement for valet services or the tenant's affidavit agreeing to provide such services;
2. An equivalent number of valet spaces are available to replace the number required on-site parking spaces. Such valet spaces do not require individual striping, and may take into account the tandem or mass parking of vehicles.
3. The design of the valet parking shall not cause customers who do not use the valet service to park off-premise or cause queuing in the right-of-way.

E. Recording of Approved Plans

An attested copy of an approved alternative parking plan shall be recorded in the deed records for Shelby County on forms made available by the Planning Director. An alternative parking plan may be amended by following the same procedure required for the original approval. The applicant shall provide proof of recording prior to approval of the certificate of occupancy.

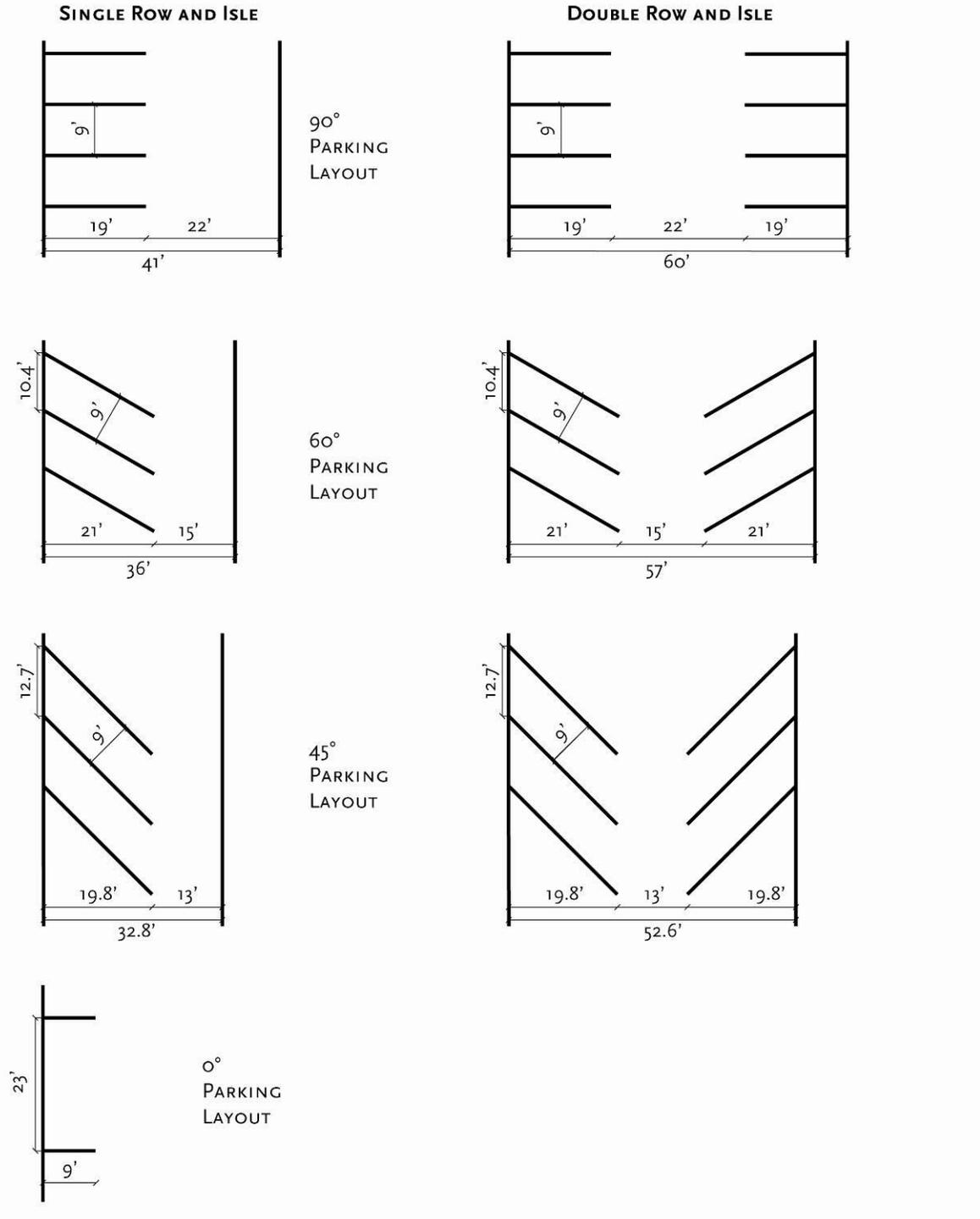
F. Violations

Violations of an approved alternative parking plan constitute a violation of this development code and shall be subject to all applicable enforcement and penalty provisions.

7.3.5 Design and Maintenance

A. Parking Dimensions

Parking spaces using geometric standards other than those specified may be approved if developed and sealed by a registered engineer with expertise in parking facility design subject to a determination by the City or County Engineer.



B. Surfacing**1. Surfacing Required**

Except as provided in paragraph 2 below, where off-street facilities are provided for parking or any other vehicular use area, they shall be surfaced with asphalt bituminous, concrete or other material approved by the City or County Engineer and shall be maintained in a smooth, well-graded condition.

2. Pervious Parking

- a. Pervious parking surfaces may be permitted for specific uses as set forth below (see also 7.3.3E), provided they are approved by the City or County Engineer. Where provided, such alternative parking surfaces shall be maintained in a smooth, well-graded condition. If parking demand is such that the pervious parking surface is damaged or destroyed, then paving of such an area in accordance with this section may be required.
- b. All parking and vehicular use areas (excluding handicapped) may be surfaced with pervious material for the following:
 - 1) Uses which require parking on an average of less than five days per week during a month;
 - 2) Places of worship; and
 - 3) Parks, playgrounds, ballfields, football and baseball stadiums, fairgrounds, and other similar outdoor recreation areas.

C. Landscaping**1. Perimeter Screening**

- a. All parking and vehicular use areas with frontage on any portion of a public street right-of-way (not including an alley) shall provide landscaping in accordance with 4.1, Streetscape.
- b. The perimeter of all parking and vehicular use areas adjacent to a residential district shall provide a Class C buffer (see 7.4.5).

2. Interior Landscaping

Off-street parking areas with more than five parking spaces shall provide landscaping in accordance with the following requirements (see also 8.1 for preservation of existing trees and 7.4 for general landscaping requirements).

a. Interior Islands

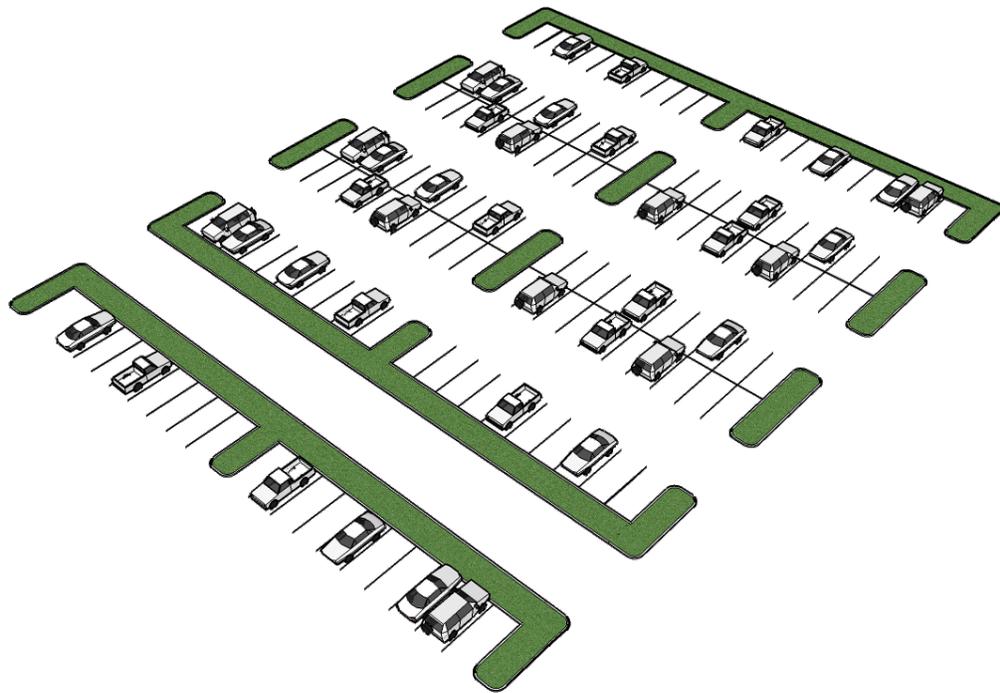
- 1) An interior landscaped island shall be provided for every ten spaces. Each island shall contain a minimum of 200 square feet with a minimum width of eight feet inside the curb and include a minimum of one tree with a minimum caliper of 2½ inches. Planting islands shall be evenly distributed throughout the parking area, with no parking space located more than 100 feet from a planting island. Interior islands may be consolidated or intervals may be expanded in order to preserve existing trees where approved by the Planning Director.
- 2) The preceding requirements do not apply to Type B (see 4.1.6) and Type C (see 4.1.7) streetscape plates.

b. Terminal Islands

All rows of spaces shall terminate in a curbed landscaped island. Each island shall conform to the specifications described in paragraph a) above.

c. Median Islands

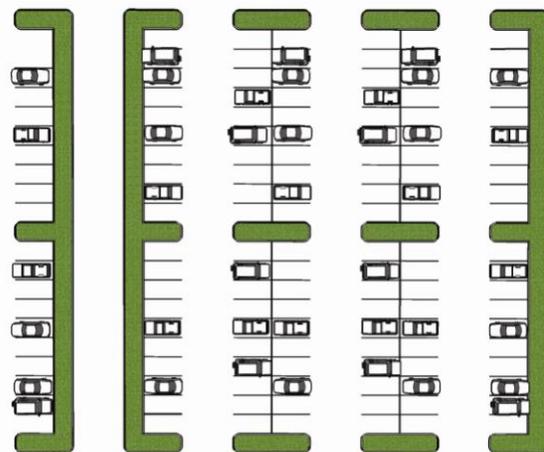
A median island with a minimum width of eight feet inside the curb shall be sited between every six single parking rows and along primary internal and external access drives. Median intervals may be expanded in order to preserve existing trees, where approved by the Planning Director.



d. Maximum Parking Area Pod Size

Parking areas shall be broken up by landscaped area, tree islands, and buildings into pods containing no more than the number of parking spaces listed in the table below. Existing trees shall be incorporated into the parking areas to the maximum extent feasible.

District	Pod Size (max)
RS-, RU-	60 spaces
OG, CMU-1, CMU-3	120 spaces
CMU-3, CBD	180 spaces
EMP, WD, IH	240 spaces



120 SPACE POD SIZE
 DISTRICTS OG, CMU-1, CMU-3

e. Vehicle Sales and Service

The interior island, terminal island, median island, and maximum pod size requirements do not apply to areas specially designated for the display of motor vehicles for sale or rental (as shown on the approved site plan) but the requirements do apply to required employee and customers parking areas.

D. Markings

Each parking area stall shall be marked off and maintained so as to be distinguishable.

E. Lighting

Lighting shall meet the requirements of 7.5, Outdoor Site Lighting.

F. Setbacks

All parking and vehicular use areas shall observe the parking setback requirements of Article 3, Building Envelope Standards.

G. Curbs

1. All landscaping in or adjacent to a parking or vehicular use area shall be protected from vehicular damage by a raised concrete curb six inches in height or equivalent barrier, however, the barrier need not be continuous.
2. Landscaped areas adjacent to all parking and vehicular use areas shall be landscaped so that no plant material greater than 12 inches in height will be located within two feet of the curb or other protective barrier.

H. Separation from Walkways

In the event any parking or vehicular use area abuts a walkway or sidewalk, the parking or vehicular use area shall be separated by curbing or other protective device with a minimum distance of 3½ feet between the protective device and the edge of the walkway.

I. Drainage

Parking or vehicular use areas shall not drain onto or across public sidewalks or into adjacent property, except into a natural watercourse or a drainage easement. In already developed areas where this condition would be impossible to meet, the City or County Engineer may exempt the applicant from this requirement, provided that adequate provision is made for drainage (see also City of Memphis/Shelby County Storm Water Management Manual).

7.3.6 Stacking

The following off-street vehicle stacking standards shall apply unless otherwise expressly approved by the City or County Engineer. The City or County Engineer may require additional off-street stacking spaces where trip generation rates suggest that additional spaces will be needed.

A. Minimum Number of Spaces

Off-street stacking spaces shall be provided as follows:

	Minimum Spaces	Measured From
Automated teller machine	3	Machine
Bank teller lane	4	Teller or window
Car lubrication stall	2	Entrance to stall
Car wash stall, automated	4	Entrance to wash bay
Car wash stall, hand-operated	3	Entrance to wash bay
Day care drop off	3	Passenger loading area
Gasoline pump island	2	Pump island
Drive-thru	6	Order box
Drive-thru	4	Order box to pick-up window
Valet parking	3	Valet stand
School drop-off (public and private)	Determined by City or County Engineer	
Other	Determined by City or County Engineer	

B. Design and Layout

Required stacking spaces are subject to the following design and layout standards:

1. Dimensions

Stacking spaces shall be a minimum of 10 by 20 feet in size.

2. Location

Stacking spaces shall not impede on- or off-site traffic movements or movements into or out of off-street parking or other vehicular use areas. See 7.4.8A for specific requirements for drive-thru windows and lanes. All required stacking spaces shall be located on-site, no required stacking space are permitted in the public right-of-way.

3. Design

Stacking spaces shall be separated from other internal driveways by raised medians if deemed necessary by the City or County Engineer for traffic movement and safety.

4. Screening

See 7.4.8A for specific requirements for drive- thru windows and lanes.

7.3.7 Loading

A. Loading Facilities Required

- As determined by the Planning Director, off-street loading facilities shall required for uses that regularly handle large quantities of goods. Loading facilities shall be of sufficient quantity to adequately serve the proposed use.
- Any vehicle sales or rental facility or similar use requiring delivery of vehicles by truck shall demonstrate adequate on-site area exists for the loading and unloading of such trucks.
- Any convenience store or similar use requiring deliveries by truck shall demonstrate adequate on-site area exists for the loading and unloading of such trucks.
- There shall be loading area designed in such a way that will require or allow the backing of vehicles into the street.
- Public streets shall not be used as maneuvering areas for backing into or onto a property.

B. Design and Layout

1. Loading and unloading activity shall not be permitted in any public right-of-way except where designated by the City or County.
2. Off-street loading facilities shall be located as set forth in 7.4.8C.
3. In no case shall loading and unloading activity encroach on or interfere with the public use of streets, sidewalks, and lanes by automotive vehicles or pedestrians. Adequate space shall be made available for the unloading and loading of goods, materials, items or stock for delivery and shipping.
4. Hours of loading and unloading operation adjacent to ground floor residential uses shall be limited between the hours of 6:30 a.m. and 10:00 p.m. Loading docks shall be signed to indicate "no idling."

C. Screening

All loading areas shall be screened in accordance with 7.4.8C.

7.4 LANDSCAPING AND SCREENING

7.4.1 Purpose

The use of properly landscaped and maintained areas can reduce the potential incompatibility of adjacent land uses, conserve natural resources and maintain open space, protect established residential neighborhoods, and promote and enhance the community appearance. Landscaping shall be coordinated with all site design elements including building layout, parking, access and signs.

7.4.2 Applicability

Conformance to the standards of this Chapter shall be in accordance with 7.1, Applicability. These landscaping regulations do not apply to single-family attached units, single-family attached units, and large homes on a single lot or site.

7.4.3 Landscape Plan Required

A landscape plan shall be submitted in conjunction with the required site plan. A registered Landscape Architect shall prepare all landscape plans, except where expressly exempted by the Planning Director. The landscape treatment shall adequately detail the requirements of this Chapter.

7.4.4 General Provisions

A. Clear Sight Triangle

At the intersection of a driveway and a street and on all corner lots (the intersection of two streets), a clear sight triangle shall be established as set forth in 3.2.5.

B. Plant Material

1. Plant material shall be chosen from the lists of recommended plant species contained in the Memphis and Shelby County Approved Plant List ([see Appendix](#)). Plant materials shall be reviewed for suitability with regard to the eventual size and spread, susceptibility to diseases and pests, and appropriateness to existing soil, climate and site conditions.
2. The preferred plant list shall be used to define the species of trees and shrubs deemed to be canopy trees, understory trees and shrubs. The lists may be expanded but are intended to provide guidance in selecting predominately hardy Tennessee native species.

C. Cold Hardy and Drought Tolerant Plants

Plantings shall be cold hardy for the specific location where they are to be planted. Trees and shrubs shall be drought tolerant and able to survive on natural rainfall once established with no loss of health.

D. Soils

Planting areas shall have uncompacted coarse loam that is a minimum of 12 inches deep. Soils shall be appreciably free of gravel, stones, rubble or trash. All compacted soil, contaminated soil or roadbase fill shall be removed.

E. Issuance of Certificate of Occupancy

The Building Official may not issue a permanent certificate of occupancy for an approved site plan of final plat, until all seeding, trees, and plant material have been placed in accordance with the approved site plan and requirements of this Chapter. A temporary certificate of occupancy may be issued for a period of 30 days under circumstances that would affect the seeding and planting of the site, or until the proper planting season is reached to complete the landscaping requirements, and may be extended up to 90 days upon request to the Building Official.

F. Maintenance of Landscaping

1. Responsibility

The responsibility for maintenance of shall remain with the owner, their successors, heirs, assignees or any consenting grantee. Maintenance is required in order to ensure the proper functioning of a landscaped area.

2. Maintenance

- a. All landscaping shall be maintained in an attractive and healthy condition. Maintenance shall include, but not be limited to, watering, mulching, fertilizing and pest management, mowing, weeding, removal of litter and dead plant material, and necessary pruning and trimming.
- b. Necessary pruning and trimming shall be in accordance with the American National Standards for Tree Care Operations: Tree Shrub and Other Woody Plant Maintenance – Standards Practices (Pruning), and shall not be interpreted to include topping of trees through removal of crown material or the central leader, or any other similarly severe procedures such as lollipopping or meatballing that cause irreparable harm to the natural form of the tree, except where such procedures are necessary to maintain public overhead utilities. Any such activity shall be a violation of this development code. Additional plant material shall be required to replace or supplement the damaged plant material on a one-for-one basis.
- c. Dead or diseased plantings shall be removed. Replacement plantings shall be provided for any required plants which die or are removed for any reason and shall meet all minimum standards and conform to the requirements of this development code.
- d. Natural water courses shall be maintained in a natural condition.
- e. A water source shall be supplied within 50 feet of any planting requiring continuing watering. Where non-native or non-drought tolerant native vegetation is incorporated an irrigation system shall be required. Irrigation systems shall meet the standards of the City or County, as applicable.
- f. Landscape structural features such as walls, fences, berms or water features shall be maintained in a structurally safe and attractive condition.
- g. Where other uses, including pedestrian, bike or other trails these uses shall be maintained to provide for their safe use.

3. Failure to Maintain

In the event that any owner of a landscaped area fails to maintain the landscaped area according to the standards of this Chapter, the governing bodies shall have the right to recover the cost of enforcement, including reasonable attorney fees. The governing bodies may also, following reasonable notice and a demand that deficiency of maintenance be corrected, enter the landscaped area to take maintenance action. The cost of such maintenance shall be charged to the party having the primary responsibility for maintenance of the landscaped area.

4. Credit for Existing Plant Material

- a. Required landscaping shall incorporate existing natural vegetation to the maximum extent feasible (see also 8.1 for preservation requirements for existing trees). Prior to disturbance of a required landscaped area, approval shall be obtained from the Planning Director. Where existing vegetation is inadequate to meet the required planting standards, additional plant material shall be required.
- b. Credit for existing plant material shall be allocated on a one-for-one basis for canopy trees, understory trees or shrubs. The size of material shall not be taken into account, except where such material is below the required minimum planting size.
- c. The retention of existing vegetation shall be maximized within proposed landscaped areas. Existing native habitat or vegetation located within landscaped area may be counted, provided such plant material meets the minimum standards of this Chapter. If the existing vegetation has been credited and is subsequently removed or dies, it shall be replaced with the appropriate planting material on a one-for-one basis.
- d. Credit may be permitted for existing plant material and walls on adjacent property, provided such items are in a permanently protected area, including, but not limited to:
 - 1) A conservation easement or preserve area on adjacent property; or
 - 2) An existing utility or drainage easement exceeding 100 feet in width.

7.4.5 Required Buffers

A. General Provisions

1. A buffer is a specified land area, located parallel to and within the outer perimeter of a lot and extending to the lot line, together with the planting and landscaping required on the land. A buffer may also contain, or be required to contain, a barrier such as a berm or wall where such additional screening is necessary to achieve the desired level of buffering between various land use activities.
2. A buffer is not intended to be commensurate with the term "yard" or "setback." A required buffers shall be determined exclusive of any required setback (see Article 3).
3. A required buffer shall be determined exclusive of any required open space (see Article 3 for applicable open space requirements) unless the buffer meets minimum requirements for required open space (see 8.2).
4. A required buffer may count toward the provision for perimeter tree protection requirements (see 8.1).

B. District Boundary Buffers

Perimeter compatibility is required along the boundaries of all incompatible zoning districts. The following table shall be used to determine the required buffer class (A, B, or C) between adjacent districts (see E for buffer specifications). No district boundary buffer is required in the following districts: OS, CA, CIV, R-E, R-15, R-10, R-8, R-6, R-3, RS-1, RS-2, RU-1, RU-2, RU-3, or RU-4.

Subject Property	OS	FW	CA	CIV	R- MP	R- E	R- *	RS- 1	RS- 2	RU- 1	RU- 2	RU- 3	RU- 4	OG	CMU- 1	CMU- 2	CMU- 3	CBD	EMP	WD	IH
OG	--	--	--	--	A	A	A	A	A	A	A	A	A	--	--	--	--	--	--	--	--
CMU-1	--	--	--	--	B	B	B	B	B	B	B	B	B	A	--	--	--	--	--	--	--
CMU-2	--	--	--	B	B	B	B	B	B	B	B	B	B	A	A	--	--	--	--	--	--
CMU-3	--	--	--	B	C	C	C	C	C	C	C	B	B	B	B	A	--	--	--	--	--
CBD	--	--	--	B	C	C	C	C	C	C	C	C	B	B	B	B	--	--	--	--	--
EMP	--	--	C	C	C	C	C	C	C	C	C	C	C	C	C	B	B	B	--	--	--
WD	--	--	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	B	--	--	--
IH	--	--	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	B	--

* R- = R-15, R-10, R-8, R-6, R-3

C. Additional Required Buffers

1. A buffer between incompatible uses may still be required (see 2.7, Use Standards).
2. A Class C buffer shall be provided along all project boundaries of a manufactured home park (see also 3.5.4).
3. The perimeter of all parking and vehicular use areas adjacent to a residential district shall provide a Class C buffer (see also 7.3.5C).
4. Any reverse frontage shall provide a Class C buffer (see also 3.3).
5. A residential protection buffer may be required as set forth in paragraph D below.

D. Residential Protection Buffers

The following buffers have been established to mitigate the effect of specific types of development on adjacent single-family residential properties (see paragraph E below for buffer planting requirements).

1. Residential Suburban District (RS-)

To provide a suitable transition between an RS- district and adjacent single-family residential, a perimeter compatibility buffer is required adjacent to any residential single-family district or use as set forth below.

- a. No buffer is required where the perimeter lots contain single-family detached, single-family attached, or large home housing types and the width of the perimeter lots are equal to or greater than the minimum lot width of the adjoining development or the minimum lot width required by the district applied to any adjoining undeveloped parcel.

- b. Where the perimeter lots contain single-family detached, single-family attached, or large home housing types and the width of the perimeter lots are narrower than the minimum lot width of the adjoining development or the minimum lot width required by the district applied to any adjoining undeveloped parcel a Class A buffer shall be provided.
- c. Where the perimeter lots contain townhouse, stacked townhouse, or apartment housing types, a Class B buffer shall be provided.

2. Residential Urban District (RU-)

To provide a suitable transition between an RU- district and adjacent single-family residential, a perimeter compatibility buffer is required adjacent to any residential single-family district or use as set forth below.

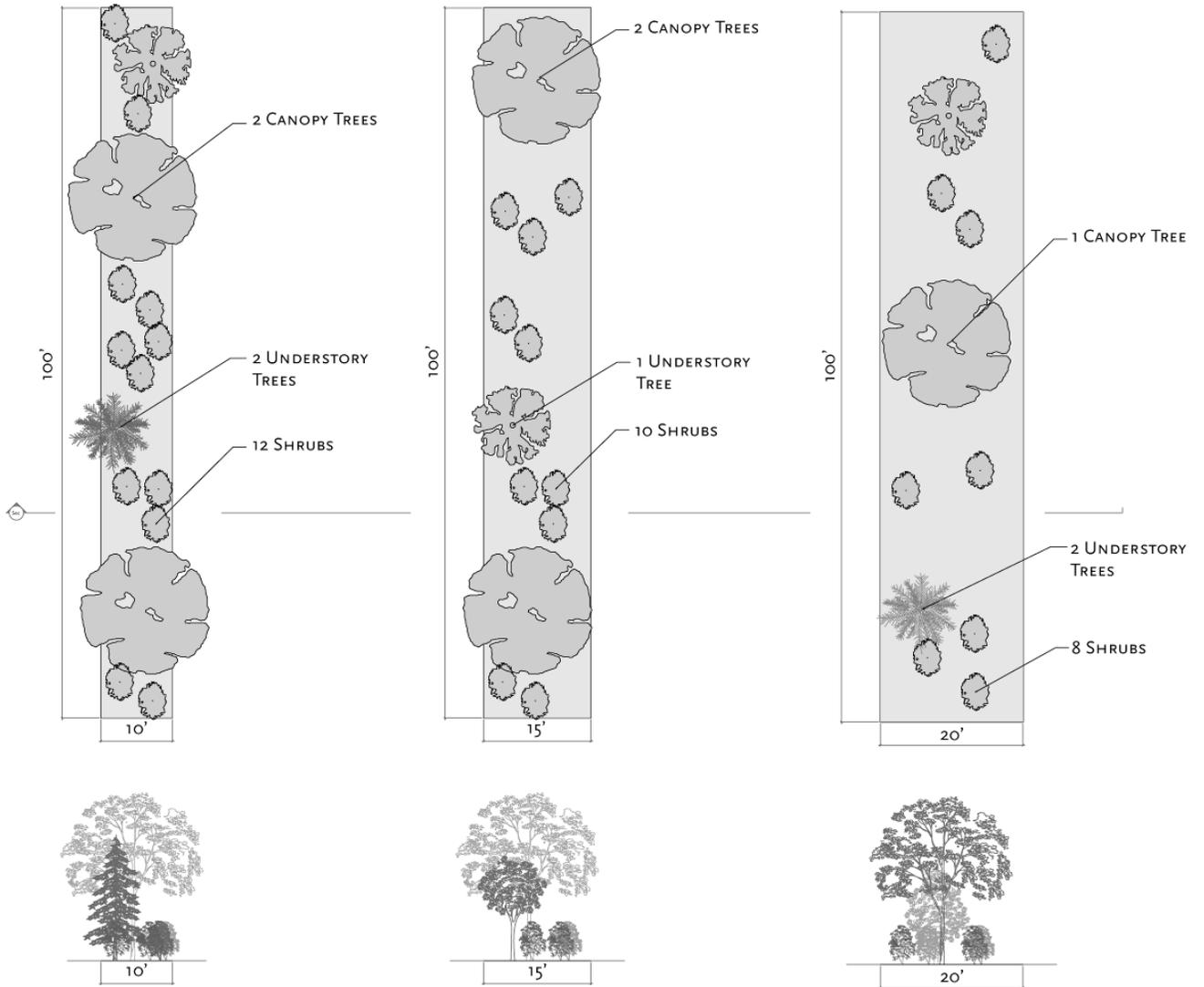
- a. No buffer is required where the perimeter lots contain single-family detached, single-family attached, or large home housing types.
- b. Where the perimeter lots contain townhouse, stacked townhouse, or apartment housing types, a Class B buffer shall be provided.

E. Buffer Planting Specifications

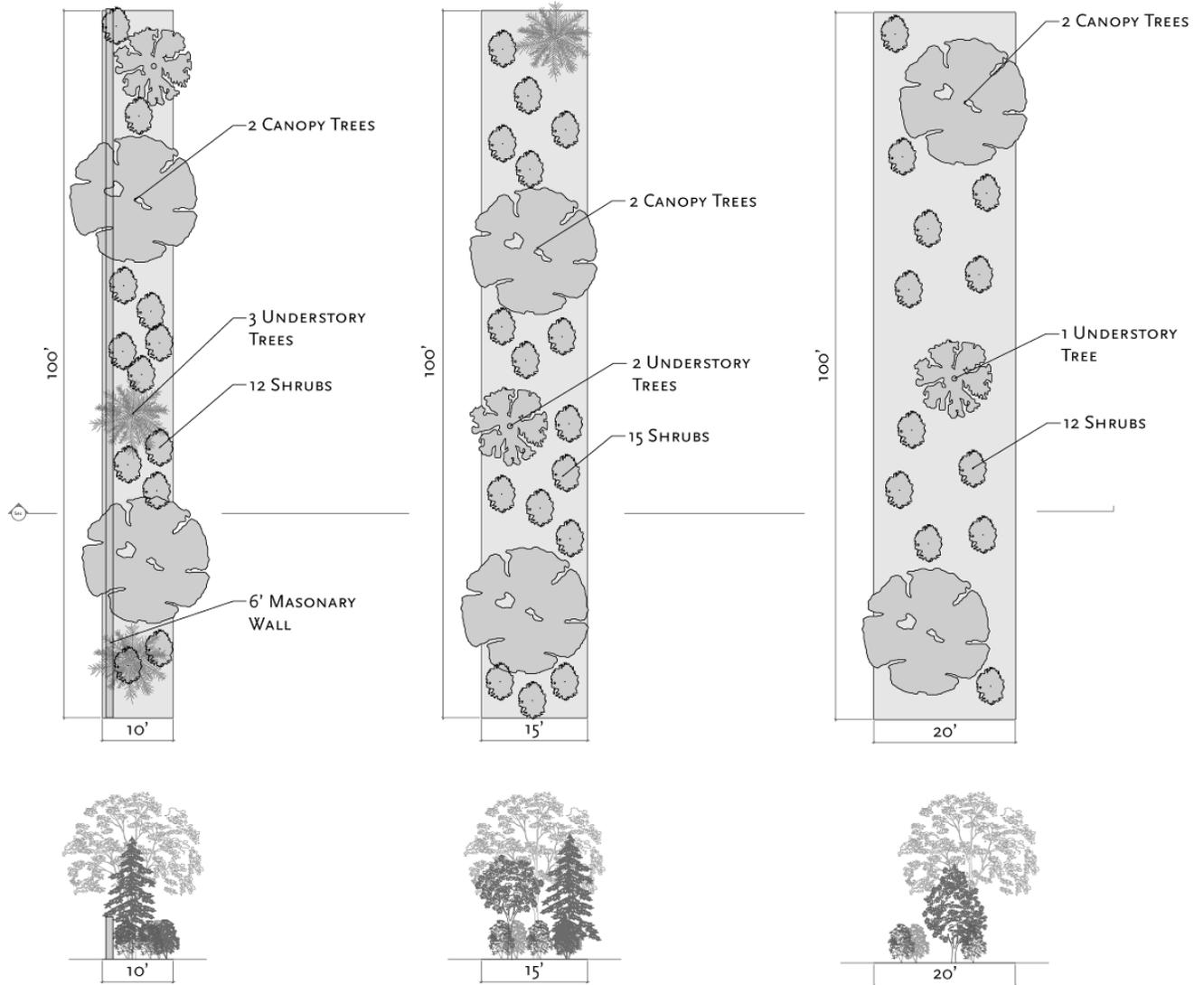
1. General Provisions

- a. The following material establishes the specific width and plant material for a Class A, B, and C buffers. An applicant is free to choose from each alternative (1, 2, or 3) within the respective buffer classification (A, B, or C). Buffers planted below overhead utility lines shall apply any of the allowed buffer alternatives, except that understory trees shall replace any canopy trees at a rate of two understory trees per required canopy tree.
- b. As determined by the Planning Director, a wall or berm meeting the standards in paragraph J below may be substituted in lieu of some of the required shrubs in buffer types A and B. A wall or berm is required in all Type C buffers.
- c. The required plantings are intentionally over-planted at maturity, in order to provide an immediate beneficial impact. Specified buffer plantings are required per 100 linear feet of buffer area. Plant material shall be chosen from the list of recommended plant species (see 7.4.4B).

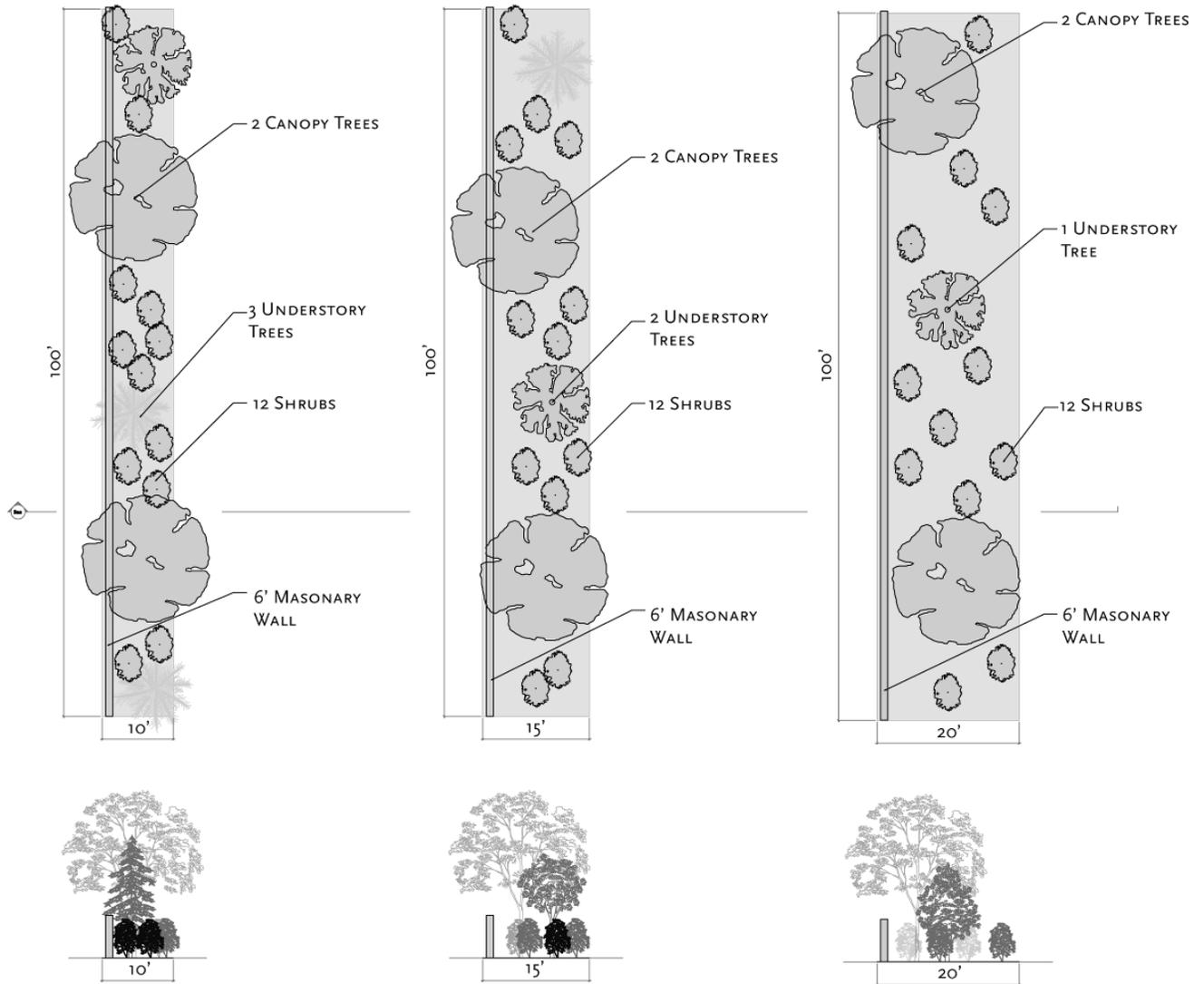
2. Class A Buffers



3. Class B Buffers



4. Class C Buffers



F. Location of Buffer

1. Buffers shall be located within the outer perimeter of a lot or parcel, parallel to and extending to the lot or parcel boundary line. Buffers shall not be located on any portion of an existing, dedicated or reserved public or private street or right-of-way.
2. Except as provided below, the required buffer shall be provided along the entire frontage immediately abutting the existing district or project boundary.
3. A buffer may be interrupted in order to provide access (pedestrian or vehicular) to adjacent parcels or public right-of-way.

G. Design Variations

While the buffer depth is normally calculated as parallel to the property line, design variations may be permitted and are calculated on the average depth of the buffer per 100 feet or portion of buffer. The minimum depth of the buffer at any one point shall not be less than ½ the required depth of the buffer chosen. Maximum depth for the purposes of installing required landscaping, or receiving credit for existing vegetation, shall not be more than 1½ the required depth of the buffer chosen.

H. Plant and Structure Location within Buffer

The placement of required plants and structures shall be the decision of the applicant, except that the following requirements shall be satisfied:

1. Plant materials shall be located so as to achieve the maximum level of protection. Plant material shall meet the buffer requirements every 100 feet.
2. Canopy trees shall be located no closer than five feet from any structure. Understory trees shall be planted no closer than three feet from any structure.
3. Buffer areas not retained in native habitat shall be seeded or sodded with lawn, established with ground cover, or mulched with organic mulch. No turfgrass shall be planted under the dripline of trees. Inorganic ground cover shall not exceed 20% of the total required area of the buffer.

I. Planting in Easements

1. No buffer shall be planted in wet retention ponds or drainage easements.
2. Trees and shrubs shall be installed a minimum of five feet away from the flow line of a swale.
3. Existing trees may remain in dry retention ponds provided that the natural grade is undisturbed to the tree line, species are planted that are adapted to seasonal flooding and the pond is adequately maintained.
4. Trees may be planted in underground utility easements with the Planning Director approval, provided the root structure of the proposed tree is not anticipated to extend more than three feet below the ground. Shrubs may be planted, provided they are only within the outer three feet of the easement. Where such trees and shrubs are planted, the property owner shall be responsible for replacement of such required vegetation if maintenance or other utility requirements require their temporary removal.
5. A minimum buffer width of five feet, or at least half the minimum required buffer width, shall be provided outside of any required easements. The majority of buffer plantings and all structures shall be located outside the easements.

J. Permitted Structures in Buffer Area**1. Walls**

Where walls are placed within any required buffer area, they shall meet the following requirements.

- a. Walls shall be a minimum of three feet and a maximum of six feet in height.
- b. Walls shall be constructed of one or a combination of the following materials: stucco over concrete block, brick, stone, split-faced block or glass block in a structurally safe and attractive condition. Alternative walls may be permitted with the approval of the Planning Director. No walls of exposed concrete block are permitted, whether painted or not.
- c. No wall shall be located within any required drainage, utility or similar easement.
- d. The applicant shall be required to demonstrate provision for access and maintenance of landscaping and the wall structure at the time of landscape plan approval.
- e. Breaks in the wall may be provided for pedestrian connections to adjacent developments.

2. Berms

Where berms are placed within any required buffer area, they shall meet the following requirements.

- a. Berms shall have a minimum average height of 2½ feet with side slopes of not less than four feet horizontal for each one foot vertical.
- b. Slopes in excess of four feet horizontal for each one foot vertical may be permitted if sufficient erosion control methods are taken and deemed by the City or County Engineer to be maintainable.

3. Fences

- a. Fences in accordance with 7.4.8F may be constructed in a required buffer, however, no reduction in buffer width shall be provided based on the provision of a fence.
- b. Fences shall be a minimum of three feet and a maximum of six feet in height.
- c. Fences shall be constructed of high quality materials, such as treated wood and wrought iron. Chain-link fences shall not be permitted.
- d. Breaks in the fence may be provided for pedestrian connections to adjacent developments.

- e. Fences shall be maintained in a structurally safe and attractive condition and with finished faces and plantings located towards the adjacent property with at least one upright shrub for every six linear feet of fence length. Any fence constructed in a buffer shall be capable of withstanding a 30 pound per square foot horizontal wind load from any direction.

K. Permitted Use of Buffer Area

A buffer area shall not be used for any principal building or use, accessory building or use, parking, vehicle use or storage area except as specifically permitted below.

1. A buffer may be used for passive recreation and picnic facilities; and it may contain pedestrian or bike trails, provided that:
 - a. Trails may be incorporated provided adequate width (minimum 15 feet) is added to the required buffer width to accommodate both the trail and the required buffer plantings. Buffers with trails may count toward the provision for required open space (see 8.2).
 - b. No existing plant material shall be eliminated, other than nuisance exotics; and
 - c. All other requirements of this Chapter shall be met.
2. Other appurtenances which require high visibility and easy access, such as fire hydrants, public and emergency telephones, mail boxes and bus shelters or benches, are also permitted in a buffer. No screening of such appurtenances shall be required.
3. A driveway may cross perpendicular through a required buffer area (see also 7.2).
4. A required buffer is encouraged to retain areas of native habitat and may incorporate water resources including stormwater detention or retention facilities. However a minimum ten-foot contiguous width of the buffer shall be preserved as a planting area without stormwater facilities.

L. Ownership of Buffers

Buffers may remain in the ownership of the original applicant; they may be subjected to deed restrictions and subsequently be freely conveyed; or they may be transferred to any consenting grantees, such as the City or County, a land conservancy or land trust, or homeowners association Any such conveyance shall adequately guarantee the protection and maintenance of the buffer in accordance with the provisions of this Chapter.

M. Alternative Compliance

1. The buffer requirements may be modified by the Land Use Control Board through the special exception process (see 10.13) upon a finding that a modification would be consistent with the purpose of this development code; that such modification would not adversely affect the land use compatibility or public interest; and that the subject parcel or modified buffer complies with one or more of the following criteria:
 - a. The buffer is parallel and adjacent to an existing utility or drainage easement of at least 100 feet in width;
 - b. The buffer is between uses that are to be developed under a common development.
 - c. The buffer is adjacent to a property that has a joint use agreement with the subject parcel under;
 - d. The buffer is parallel and adjacent to an existing railroad right-of-way; or
 - e. The topography of the parcel is such that buffering would not be effective.
2. Financial hardship due to meeting the requirements of this is section shall not be sufficient justification for alternative compliance.

7.4.6 Additional Landscaping Requirements

A. Streetscape Plates

Streetscape planting requirements are listed in 4.1, Streetscape.

B. Parking Lot Landscaping

Parking lot landscaping requirements are listed in 7.3.5C.

7.4.7 Fences and Walls

- A. A fence or wall shall not exceed four feet in height in any required front setback area or any other required setback area abutting a street.
- B. A fence or wall shall not exceed six feet in height in any required side or rear setback area.
- C. Electrified fences, chain-link fences, barbed wire or concertina wire fences shall not be permitted in a residential district. Barbed wire or concertina wire is permitted in an industrial district provided the barb wire or concertina wire is located at least six feet above the ground.
- D. At the intersection of a driveway and a street and on all corner lots (the intersection of two streets), a clear sight triangle shall be established as set forth in 3.2.5.
- E. The Land Use Control Board may permit additional fence material or additional fence height through the special exception process (see 10.13) if it is determined that such allowance is not contrary to the public interest and will not be injurious to the surrounding neighborhood.

7.4.8 Screening

A. Drive-Thru Facilities

Drive-thru windows and lanes shall be designed to adhere to the following standards:

1. In the CBD and CMU-1 districts and on any designated frontage (see 3.9.6), drive-thru windows and lanes shall not be placed between the right-of-way of primary street and the associated building. Drive-thru windows and lanes associated with buildings on a shall be placed to the side or rear of the building.
2. Where allowed, drive-thru windows and lanes placed between the right-of-way of primary street and the associated building shall require landscape plantings installed and maintained along the entire length of the drive-thru lane, located between the drive-thru lane and the adjacent right-of-way (not including an alley).
3. Drive-thru windows and lanes placed between the right-of-way and the associated building shall require landscape plantings installed and maintained along the entire length of the drive-thru lane, located between the drive-thru lane and the adjacent right-of-way (not including an alley). Such screening shall be a compact evergreen hedge or other type of dense foliage. At the time of installation, such screening shall be at least 36 inches in height and shall reach a height of 48 inches within two years of planting.
4. No drive-thru window shall be permitted on the side of a building facing any residential district.

B. Service Areas

1. Trash collection, trash compaction, recycling collection and other similar service areas shall be located on the side or rear of the building and shall be effectively screened from view from residential properties (does not include upper-story residential units associated with a mixed use building) or public rights-of-way (not including an alley).
2. Screening enclosures shall be fully enclosed by opaque walls or fences at least eight feet high with self-closing access doors and shall be constructed of the same materials as the primary building.
3. All service areas shall be limited to the area shown on an approved site plan.
4. All service areas shall be located a minimum of 50 feet away from any residential district. Any service area within a residential district shall be located a minimum of 25 feet away from a residential property line.
5. Service areas are not allowed in a required buffer area.

C. Loading Areas

Loading areas shall be subject to the following screening requirements:

1. Provide a minimum 100% year-round screen of all loading areas visible from residential properties (does not include upper-story residential units associated with a mixed use building) or public rights-of-way (not including an alley).
2. This screen shall consist of, walls and plant material totaling eight feet in height at installation or completion of construction. Wall materials shall be compatible with the primary structure.
3. Loading areas not in an industrial district shall be located to the side or rear of buildings, unless the loading area is wholly within a fully-enclosed building and is not visible from the public right-of-way (not including an alley). The term fully-enclosed building shall not be construed to limit bay doors open during loading or unloading operations.

4. Loading areas in all districts shall be minimum of 50 feet away from any residential district. Any loading area within a residential district shall be located a minimum of 25 feet away from a residential property line.

D. Mechanical Equipment

1. All roof, ground and wall mounted mechanical equipment (e.g. air handling equipment, compressors, duct work, transformers and elevator equipment) shall be screened from view from residential properties or public rights-of-way at ground level of the property line.
2. Roof-mounted mechanical equipment shall be shielded from view on all sides. Screening shall consist of materials consistent with the primary building materials, and may include metal screening or louvers which are painted to blend in with the primary structure.
3. Wall or ground-mounted equipment screening shall be constructed of:
 - a. Planting screens;
 - b. Brick, stone, reinforced concrete, or other similar masonry materials; or
 - c. Redwood, cedar, preservative pressure treated wood, or other similar materials.

E. Utilities

Above-ground utilities and appurtenances to underground utilities which require above-ground installation shall be screened by a continuous planting of shrubs, with a minimum mature height equal to that of the utility structure. Required accessways to these utilities are exempt from the screening provisions.

F. Fencing and Walls Used for Screening

1. Fences and walls shall be constructed of high quality materials, such as decorative blocks, brick, stone, treated wood and wrought iron. Electrified fences, chain-link fences, barbed wire or concertina wire fences shall not be permitted in a residential district. Barbed wire or concertina wire is permitted in an industrial district provided the barb wire or concertina wire is located at least six feet above the ground.
2. Chain-link fences with slats may used for screening of outdoor storage areas in an industrial district (see 7.6).
3. The maximum length of a continuous, unbroken and uninterrupted fence or wall plane shall be 100 feet. Breaks shall be provided through the use of columns, landscaped areas, transparent sections and a change in material.

7.5 OUTDOOR SITE LIGHTING**7.5.1 Purpose**

Nonresidential and multifamily buildings and projects, including their outparcels, shall be designed to provide safe, convenient, and efficient lighting for pedestrians and vehicles. Lighting shall be designed in a consistent and coordinated manner for the entire site. The lighting and lighting fixtures shall be integrated and designed so as to enhance the visual impact of the project on the community and/or should be designed to blend into the surrounding landscape. Lighting design and installation shall ensure that lighting accomplishes on-site lighting needs without intrusion on adjacent properties.

7.5.2 Applicability

Conformance to the standards of this Chapter shall be in accordance with 7.1, Applicability.

7.5.3 Lighting Plan Required

A lighting plan shall submitted in conjunction with a required site plan.

7.5.4 Prohibited Light Sources

The following light fixtures and sources shall not be used where the direct light emitted is visible from adjacent areas:

- A. Low-pressure sodium and mercury vapor light sources;
- B. Cobra-head-type fixtures having dished or drop lenses or refractors which house other than incandescent sources; and
- C. Searchlights and other high-intensity narrow-beam fixtures.

7.5.5 Design Requirements

Outdoor lighting shall primarily be used to provide safety while secondarily accenting key architectural elements and to emphasize landscape features. Light fixtures shall be designed as an integral design element that complements the design of the project. This may be accomplished through style, material or color. All lighting fixtures designed or placed so as to illuminate any portion of a site shall meet the following requirements:

A. Fixture (Luminaire)

The light source shall be concealed and shall not be visible from any public right-of-way or adjacent properties. In order to direct light downward and minimize the amount of light spillage into the night sky and onto adjacent properties, all lighting fixtures shall be cutoff fixtures.

B. Fixture Height

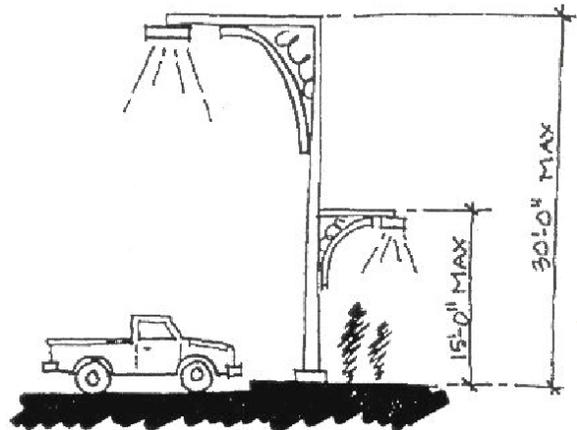
Lighting fixtures shall be a maximum of 30 feet in height within parking areas and shall be a maximum of 15 feet in height within non-vehicular pedestrian areas. All light fixtures located within 50 feet of any residential district shall not exceed 15 feet in height.

C. Light Source (Lamp)

Only incandescent, fluorescent, metal halide, or color corrected high-pressure sodium may be used. The same light source type shall be used for the same or similar types of lighting on any one site throughout any development.

D. Mounting

Fixtures shall be mounted in such a manner that the cone of light is contained on-site and does not cross any property line of the site.



7.5.6 Illumination Levels

Commentary: *Illumination levels are measured in footcandles. A footcandle is equivalent to the amount of light that is produced by a candle at the distance of one foot. It is also the equivalent of one lumen per square foot.*

- A. All site lighting shall be designed so that the level of illumination as measured in footcandles (fc) at any one point meets the standards in the table below.
- B. Minimum and maximum levels are measured on the pavement within the lighted area. Average level is the overall, generalized ambient light level, and is measured as a not-to-exceed value calculated using only the area of the site intended to receive illumination.

Type of Lighting	LIGHTING LEVEL (footcandles)		
	Minimum	Average	Maximum
Architectural Lighting	0.0	1.0	5.0
Canopy Area Lighting	2.0	10.0	15.0
Multifamily Parking Lots	0.2	1.0	8.0
Nonresidential and Multifamily Entrances	1.0	5.0	15.0
Nonresidential Parking Lots	0.2	1.5	10.0
Storage Areas (security lighting)	0.2	1.0	10.0
Vehicle Sales and Display	0.2	3.0	15.0
Walkways, Landscape or Decorative Lighting	0.2	0.8	5.0

7.5.7 Specific Lighting Standards

A. Security Lighting

- 1. Building-mounted security light fixtures such as wall packs shall not project above the fascia or roof line of the building and shall be shielded.
- 2. Security fixtures shall not face residential uses.
- 3. Security fixtures shall not be substituted for parking area or walkway lighting and shall be restricted to loading, storage, service and similar locations.

B. Accent Lighting

Only lighting used to accent architectural features, landscaping or art may be directed upward, provided that the fixture shall be located, aimed or shielded to minimize light spill into the night sky.

C. Canopy Area Lighting

All development that incorporates a canopy area over fuel sales, automated teller machines or similar installations shall use a recessed lens cover flush with the bottom surface of the canopy that provides a cutoff or shielded light distribution.

D. Entrances and Exits

All entrances and exits to buildings used for nonresidential purposes and open to the general public, along with all entrances and exits in multifamily residential buildings shall be lighted to ensure the safety of persons and the security of the building.

E. Parking Area Lighting

All commercial parking areas shall be required to provide lighting during nighttime hours of operation.

7.5.8 Excessive Illumination

- A. Lighting within any lot that unnecessarily illuminates and substantially interferes with the use or enjoyment of any other property shall be prohibited. Lighting unnecessarily illuminates another lot if it exceeds the requirements of this Chapter.

- B.** Any lighting used to illuminate off-street parking areas shall be down lit away from residential properties and public streets in such a way as not to create a nuisance. However, in no case shall such lighting exceed three foot-candles measured at the lot line.
- C.** Lighting shall not be oriented so as to direct glare or excessive illumination onto streets in a manner that may distract or interfere with the vision of drivers.

7.6 OUTDOOR STORAGE AND DISPLAY

7.6.1 Purpose

The purpose of this Chapter is to provide reasonable limits on the outside storage and display of merchandise in conjunction with a permitted principal use in a nonresidential district. These standards ensure that such display and storage contribute to the normal activities of a use while not creating a public health or safety hazard or a nuisance.

7.6.2 Applicability

- A. Conformance to the standards of this Chapter shall be in accordance with 7.1, Applicability. Outside storage and display is not permitted in any residential district.
- B. Where allowed, the outdoor sale, lease or rent of motor vehicles as part of a properly permitted use shall not be considered merchandise, material or equipment and are subject to the parking lot screening requirements (see 7.3.5C).

7.6.3 Permitted by District Table

Outdoor storage and display is allowed by district as designated below. Outside storage and display may be allowed in a district no specifically designated in accordance with the special exception process (see 10.13).

	Blank Cell = Not Permitted ■ = Permitted									
	OG	CMU-1	CMU-2	CMU-3	CBD	CMP-1	CMP-2	EMP	WD	IH
Outdoor Display		■	■	■	■	■	■			
Limited Outdoor Storage			■	■	■	■	■	■	■	■
General Outdoor Storage								■	■	■

7.6.4 Categories of Outside Storage and Display

Outside storage and display is classified as follows.

A. Outdoor Display

- 1. Outdoor display is the outdoor display of products actively available for sale. The outdoor location of soft drink or similar vending machines shall be considered outdoor display. Outdoor display shall not include merchandise or material in boxes, in crates, on pallets or other kinds of shipping containers (such merchandise shall be considered limited outdoor storage).
- 2. Outdoor display shall be permitted in association with any permitted nonresidential use (in accordance with 7.6.3) following review and approval of a site plan illustrating the extent of the permitted area for outdoor display provided it meets the standards below.
 - a. Outdoor display shall be removed and placed inside a fully-enclosed building at the end of each business day.
 - b. Outdoor display shall be permitted adjacent to the building façade and shall extend no more than eight feet from the façade.
 - c. Outdoor display shall be located no closer than five feet from any public entrance.
 - d. Outdoor display shall occupy no more than 30% of the horizontal length of the building façade.
 - e. Outdoor display shall not impair the ability of pedestrians to use the sidewalk or parking areas.

B. Outdoor Storage

1. General

Outdoor storage is more intensive than outdoor display. Outdoor storage is not normally brought indoors overnight. Outdoor storage is broken in two categories as follows:

2. Limited Outdoor Storage

- a. Limited outdoor storage is the overnight outdoor storage of vehicles awaiting repair, RV and boat storage at a self-service storage facility, merchandise or material in boxes, in crates, on pallets or other kinds of containers, shopping carts, garden supplies, building supplies, plants, fleet vehicles and other similar merchandise, material or equipment.

- b. Limited outdoor storage is permitted in association with any permitted nonresidential use (in accordance with 7.6.3) following review and approval of a site plan illustrating the extent of the permitted area for limited outdoor storage provided it meets the standards below.
 - 1) Limited outdoor storage shall not be more than 12 feet in height and shall be fully screened from view from the public right-of-way, parking areas, or adjacent residential development by a 100% opaque visual barrier or screen as set forth in 7.4.8F.
 - 2) All limited outdoor storage shall be located at least 15 feet from the public right-of-way and any abutting residential district.
 - 3) Limited outdoor storage shall be located in the rear setback area.
 - 4) Limited outdoor storage may be located to the side of a building, provided it is not located within the side required side setback area or required buffer.
 - 5) Vehicles awaiting repair may be stored up to 14 days within the required screened storage area. Provided that no more than two such vehicles shall be stored at any one time.

3. General Outdoor Storage

- a. General outdoor storage shall be defined as salvage yards, vehicle storage yards, overnight outdoor storage of shipping containers, lumber, pipe, steel, junk and other similar merchandise, material or equipment.
- b. General outdoor storage shall be permitted in association with any permitted nonresidential use (in accordance with 7.6.3) following review and approval of a site plan illustrating the extent of the permitted area for general outdoor storage provided it meets the standards below.
 - 1) General outdoor storage shall be screened by 100% opaque, eight-foot high visual barrier or screen, except where located abutting or across the street from a residential district such screening shall be high enough to completely conceal all outdoor storage from view (see 7.4.8F for fence and wall requirements).
 - 2) All general outdoor storage shall be located at least 15 feet from the public right-of-way and any abutting residential use or residential district.
 - 3) No general outdoor storage shall be permitted in a front setback area, any setback area abutting a street, or otherwise forward of the front building line.
 - 4) General outdoor storage may be located in the side or rear setback area.

Editor's Note: Sign Chapter has been reformatted but the standards have not been revised.

7.7 SIGNS

7.7.1 Applicability

A. Exempt Signs

The following signs or sign elements are exempt from the provisions of this Chapter but are subject to any other applicable laws and regulations.

1. Government signs required by Federal or State law;
2. Flags or emblems of any national, state or local government unit, organization of nations, fraternal, religious or civic organizations.
3. Window graphics that cover less than 20% of each window, except those located in the Central Business Improvement District (see City Code 12-36);
4. Vending machines; including depositories;
5. Merchandise or the display of merchandise;
6. Works of art which in no way identify a product;
7. Graffiti;
8. Scoreboards located on athletic fields;
9. The content or copy of a sign, except that the copy or content will be regulated under this Chapter to the extent necessary to distinguish between off-premise and on-premise signs;
10. Gravestones;
11. Historical site plaques;
12. The display of street numbers;
13. Holiday decorations;
14. Temporary political campaign or referendum signs including their supporting structures are permitted provided they are erected no longer than 90 days prior to any election, and are not placed upon utility poles or within public rights-of-way.
15. Menu boards, provided they do not exceed 25 square feet in area and are located within ten feet of the point at which orders are taken from motor vehicles.
16. Hanging signs located below an awning or canopy and visible only from the sidewalk, provided they do not exceed two square feet in area and are located a minimum of eight feet above the sidewalk.

B. Prohibited Signs

1. Signs on bus benches shall be prohibited.
2. Portable signs are prohibited in the open districts and residential districts.
3. Permanent off-premise signs are prohibited in the residential districts.
4. Animated signs.
5. Changeable copy signs that flash, scroll or otherwise display their copy for less than five minutes at a time, other than official signs for safety purposes.
6. Signs in the right-of-way that do not have a right-of-way encroachment permit from the governing bodies.
7. Signs that emit sounds, visible or invisible gases or odors.
8. Signs on or attached to a utility pole or tree, except approved banners.
9. Gas, cold-air or hot-air balloons, except where specifically permitted by this Chapter.
10. Streamers or other rotating devices mounted in such a manner as to move in the wind.

7.7.2 Registration, Permits and Decals Required

A. Registration of Signs

1. Except for exempt signs listed above, directional signs and real estate signs, any sign existing prior to the effective date of this development code shall be registered with the Building Official.

2. Any applicant for a permit must provide all information that the Building Official may from time to time require in order to determine whether the sign is illegal, nonconforming or conforming. The Building Official shall provide the owner of the sign with a written determination of whether the sign is illegal, nonconforming or conforming within a reasonable time after receipt of the registration form.
3. The Building Official shall maintain the original or a copy of every registration form filed for every sign existing prior to the effective date of this title and all documents accompanying the registration form in the Building Official's office and make the registration forms and all the documents available for public inspection during regular business hours.
4. The Building Official also shall maintain a log of all registered signs that includes at least the following information: the name, address and telephone number of the owner of the sign; the street address of the property where the sign is located; whether the sign is illegal, nonconforming or conforming; and the date of the last inspection of the sign. The Building Official shall make the log available for public inspection during regular business hours.

B. Permits Required

1. Except for the exempt signs listed above, directional signs and real estate signs, no sign shall be constructed, erected, relocated, expanded or altered unless the owner obtains a sign permit from the Building Official (see 10.16). However, all illuminated signs shall obtain a permit.
2. The Building Official shall not be required to issue a sign permit unless the sign complies with the provisions of this Chapter, and all other applicable ordinances and regulations of the City or County.

C. Decals Required

1. On-Premise Signs

- a. A numbered identification decal shall be issued for each existing sign and shall accompany each permit issued for a new sign. The decal shall be displayed on the sign to which it has been assigned.
- b. When the Building Official determines that a numbered identification decal has not been posted on a sign, the Building Official shall notify the owner of the sign in writing by certified mail that unless the numbered identification decal is posted on the sign within 30 days after the date such notice is mailed, the sign shall be considered illegal and the Building Official shall initiate the necessary proceedings to secure removal of the sign.

2. Off-Premise Signs

- a. Two numbered identification decals shall be issued for each existing off-premise sign and shall accompany each permit issued for a new off-premise sign. One decal shall be mounted on the board, and shall include the name of the current owner. One decal shall be mounted on the pole at eye level and shall include the meter box address of the sign.
- b. Any new off-premise sign shall comply prior to final inspection. When the Building Official determines that the identification decals have not been posted on the sign, the sign shall be considered illegal and the Building Official shall initiate the necessary proceedings to secure removal of the sign.

D. Common Signage Plan

Prior to the issuance of a sign permit for one or more buildings or businesses in the same project, a common signage plan shall be required (see 10.17). Applications for temporary sign permits shall not be required to submit an approved common signage plan.

7.7.3 Classification of Signs

A. Signs shall be classified as follows:

1. On-premise or off-premise signs;
2. Temporary or permanent signs; and
3. Real estate signs.

B. Signs shall also be classified as follows, according to structure.

a. Attached Signs

- 1) Awning, canopy or marquee signs.
- 2) Wall sign

- 3) Window graphic

b. Detached Signs

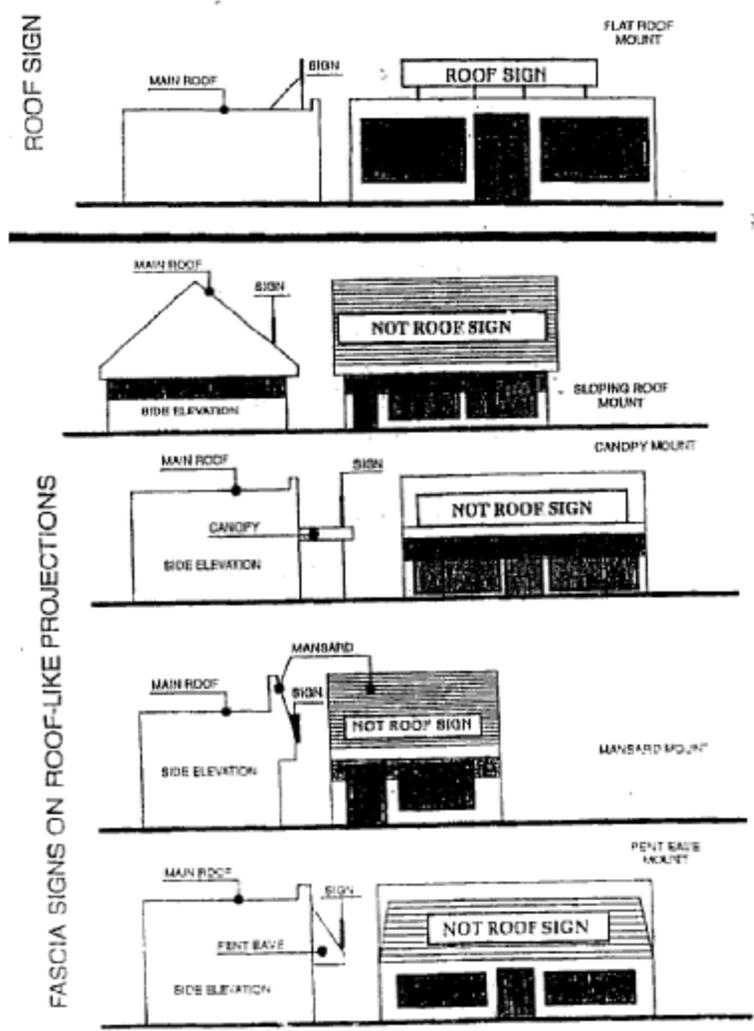
- 1) A-Frame sign
- 2) Ground sign
- 3) Pole sign
- 4) Portable sign
- 5) Projecting sign
- 6) Sidewalk sign

7.7.4 Sign Types

A. The following sign types are regulated in this Chapter.

1. A-Frame or sandwich board sign: A type of detached sign in which the back bracing is in the shape of an "A".
2. Animated sign: A sign which uses movement or change of lighting to depict action or create a special effect or scene.
3. Attached sign: A sign permanently attached to a building, awning, canopy, marquee, wall or roof.
4. Awning sign: Any sign constructed of fabric-like non-rigid material which is a part of a fabric or flexible plastic awning and which is framed and attached to a building.
5. Bench Sign: Any sign located on any part of the surface of a bench or seat placed on or adjacent to a public right-of-way.
6. Changeable copy sign, automatic: A type of sign on which the copy changes automatically by means of intermittent lighting.
7. Changeable Copy Sign, (manual): Any sign on which copy is changed manually and copy is shown on the same sign face such as reader boards with changeable letters or changeable pictorial panels but not limited to the above. All changeable copy shall be included within the allotted face of sign square footage.
8. Complex sign: An on-premise sign which identifies the name of a complex.
9. Depositories: Outdoor containers for the receipt of mail or parcels for delivery by the United States Postal Service or a private parcel service.
10. Detached sign: A sign not attached to or forming part of a building or as otherwise defined herein.
11. Directional sign: An on-premise sign limited to directions for pedestrian or vehicular traffic including, but not limited to, signs to entrances, exits, parking areas or one-way drives.
12. Double-faced Sign: A sign with two faces which are usually parallel and back-to-back.
13. Flashing sign: A sign which contains an intermittent or sequential flashing light source used to attract attention.
14. Freestanding Sign: Any detached sign supported by one or more upright poles, columns, or braces placed in, upon or supported by the ground and not attached to any building or structure. Freestanding signs are generally categorized as having two classes: pole, post or pylon signs, and ground signs of which monument signs are a subclass.
15. Ground sign: A class of freestanding sign, which is anchored to the ground similar to a pole, post or pylon sign, but which has a monolithic or columnar line and which maintains essentially the same contour from grade to top of the sign. Height and setbacks are to be the same as for freestanding signs.
16. Governmental sign: A sign erected and maintained by or for an agency of government pursuant to and in discharge of any governmental function, or a sign required by law, ordinance or governmental regulation.
17. Holiday decorations: Signs in the nature of decorations, clearly incidental to, and customarily and commonly associated with any national, local or religious holiday.
18. Integrated center sign: An on-premise sign which identifies the name of an integrated center and/or the establishments in the center.
19. Monument Sign - A sign which is anchored to the ground similar to a pole, post or pylon sign, but which is mounted on a low or small dressed base or platform which encloses the structural members that support the sign with brick, decorative masonry, natural and decorative stone, masonry with a stucco finish, or painted metal with the bottom of the sign face at or within a few feet of the base at grade and not exceeding ten feet in overall height.

20. **Nonconforming Sign:** Any sign, including signs approved by the Board of Adjustment, which was lawfully erected and maintained before the action making them nonconforming takes effect and which currently fails to meet one or more applicable regulations, standards or restrictions of this Chapter.
21. **On-Premise Sign:** Any sign or structure, pictorial or otherwise, regardless of size or shape which directs attention to a business, profession, commodity, attraction, service or entertainment conducted, offered, sold, manufactured, existing or provided at a location on the premises where the sign is located or to which it is affixed.
22. **Outdoor Advertising Display:** Any letter, figure, character, mark, plane, point, marquee sign, design, poster, pictorial, picture, stroke, strip, line, trademark, reading matter, or illuminated service, which shall be so constructed, placed, attached, painted, erected, fastened, or manufactured in any manner whatsoever, so that the same shall be used for the attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine, or merchandise, whatsoever, which is displayed in any manner whatsoever outdoors. Every outdoor display shall be classified and conform to the requirements of that classification as set forth in this Chapter.
23. **Permanent signs:** A sign whose removal within a specified period of time is not required by this Chapter and which otherwise complies with the provisions of this Chapter.
24. **Pole Cover or Jacket:** A cover or jacket consisting of painted metal, brick, decorative masonry, natural and decorative stone, or masonry with a stucco finish which encloses and is permanently attached to the sign pole, post or pylon that supports the sign. No additional copy or lettering is permitted on the pole cover, except for street address numbers.
25. **Pole Sign, Post or Pylon:** An on-premise freestanding sign that is supported by one or two uprights upon the ground, exceeding ten feet in height, which are not attached or braced by any other structure, but which by reason of height, width or other characteristic does not qualify as a "ground sign".
26. **Projecting sign:** A sign that is wholly or partly dependent upon a building for support and which projects more than 18 inches horizontally from a building at the point of basic attachment. A projecting sign shall be regulated as a detached sign.
27. **Real estate sign:** A sign advertising the sale, lease or rental of real property.
28. **Roof sign:** A sign mounted on, and supported by, the main roof portion of a building, or above the uppermost edge of a parapet wall of a building and which is wholly or partially supported by such building, the highest point of said sign being no more than ten feet above the highest point of such building, of which the supporting structure shall not be visible. Signs mounted on mansard facades, pent eaves and architectural projections such as canopies or marquees shall not be considered to be roof signs. For a visual reference example of a roof sign, and a comparison of differences between roof and fascia (wall) signs are shown below.



29. Sidewalk sign: A freestanding sign all or part of which is located on a sidewalk.
30. Sign: Any device visible from a public place that displays either commercial or noncommercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations. Noncommercial flags or any flags displayed from flagpoles or staffs will not be considered to be signs.
31. Temporary sign: A sign whose removal within a specific period of time is required by this Chapter and which otherwise complies with the provisions of this Chapter.
32. Traveling message center: A type of sign which, by means of electronic changeable canopy, is primarily, but not exclusively, used to convey a message related to a business on the premises where the sign is located.
33. Vending machine: A device which dispenses one or more commodities.
34. Wall sign: A sign which is painted on or attached to a wall, not to exceed 500 feet in gross surface area and is within the perimeters of the wall.
35. Window graphic: A sign which is attached to or which can be seen by looking into a window.

7.7.5 Measurement of Signs

A. Definitions Affecting Measurement of Signs

1. Area of Copy: The area which fully encloses the extreme limits of the message, copy, announcement or decoration on a sign. Any cutouts or extensions shall be included in the area of the sign, but supports and bracing which are not intended as part of the sign shall be excluded.

2. **Background Area:** The entire surface of a sign on which copy is placed provided, however, only the rectangular block formed by the outermost points of the actual letters shall be considered if placed upon the permanent surface of a building. Any pictorial element that is part of a sign and extends outside of the rectangular block shall be treated as an irregularity rather than an extension of the lettering. Logos shall be blocked separately and considered as part of the total sign area.
3. **Copy (permanent and temporary):** The wording or pictorial graphics on a sign surface either in permanent or removal form, excluding numerals identifying a street address only.
4. **Face of Sign:** The entire area of sign upon, against or through which copy could be placed, and in the instance of where a double face sign is utilized, the area of only one face shall be included to determine face square footage.
5. **Frontage:** The distance along a zoning lot line which abuts a public street or private drive, other than an alley.
6. **Signable Area:** An area on the facade of a building, located in one of the Uptown District (see 5.2), below the roof line which is free of windows, doors or major architectural details and not higher than the lowest of the following: 25 feet above the adjoining sidewalks, the bottom window sills of the second story or the highest part of the building between the head of the top story window and the underside of the roof.

B. General Standards

1. Gross Surface Area

- a. The gross surface area of a sign, except wall signs, is the entire area contained within a single continuous perimeter enclosing the extreme limits of such sign. For detached signs composed of more than one sign cabinet or module, the gross surface area shall include the sum of the area in each cabinet or module only. If a sign has more than one face, the gross surface area shall be equal to the maximum area of the sign face or faces visible from any ground position along any public right-of-way at any one time.
- b. The perimeter of a sign will not include lighting fixtures, pole covers, landscaping, framing, decorative roofing, moldings or aprons or other architectural or decorative embellishments, provided they contain no written copy, logos or symbols.
- c. The gross surface area of a wall sign is the entire area contained within a single continuous perimeter composed of any straight line geometric figure(s) which encloses the extreme limits of the advertising message(s). If the sign is composed of individual letters or symbols using the wall as the background with no added decoration, color or embellishment, the total sign area shall be calculated by measuring the area within the perimeter of each symbol or letter. The combined area of the individual figures shall be considered the total sign area.

2. Computation of Area of Multi-faced Signs

The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces.

3. Computation of Maximum Total Permitted Detached Sign Area for a Zoning Lot

The permitted sum of the area of all individual detached signs on a zoning lot shall be computed by multiplying the zoning lot foot frontage (F) times (x) the appropriate multiplier (M) shown in Table 1 - Detached Sign Area and Height and Table 2, Integrated Center Sign Area and Height, for the type of street on which the lot is located. When a particular lot abuts two or more streets, the area for a sign(s) shall be computed on a basis of a single street frontage calculated from the intersection of the two street right-of-way lines.

4. Height of Sign

Sign height shall be measured from the elevation of the crown of the road from the base of the sign to the highest point of the highest element of the sign, excluding any incidental structural element, such as an uplift cable for a projecting sign.

7.7.6 General Sign Standards

A. Sign Setback

No sign greater than six square feet in area shall be erected in a nonresidential zoning district or in the residential portion of an approved planned development closer than ten feet to any right-of-way line. No sign shall extend into any right-of-way except projecting signs where a building is located within six feet of the right-of-way.

B. Illuminated Signs

1. Externally illuminated signs shall be shaded wherever necessary to avoid casting a direct beam of light upon property located in any residential district and the residential portion of an approved planned development.
2. No sign intended to be viewed from any public right-of-way shall utilize:
 - a. Any exposed incandescent lamp with a wattage of more than 60 watts unless a dimmer or sun screen is attached.
 - b. Any revolving beacon light.
 - c. A luminance in excess of 350 foot lamberts measured at the sign face.
 - d. Any flashing exposed lamp with a level of luminance greater than that of an incandescent lamp, unless the flashing is coordinated to create the illusion of continuous movement.
3. The requirement in 2.d. above shall not apply to traveling message centers.

C. Traffic Safety

1. No sign shall be maintained at any location whereby reason of its position, size or shape, may obstruct, impair, obscure, interfere with the view of, or be confused with any traffic control sign, signal or device or where it may interfere with, mislead or confuse traffic.
2. No detached sign, except directional signs, shall be located in any vision triangle on a corner lot, except no individual structural element shall extend more than 18 inches inside of any clear sight triangle (see 3.2.5) or in the clear sight triangle of a private drive entrance/exit with an intersecting public street or private drive.
3. No sign or sign structure obstructing an area between two feet and six feet above grade shall be located within ten feet of the public right-of-way.

D. Obstruction of Access Ways

No sign or sign structure shall obstruct free ingress to or egress from a fire escape, door or other required access way.

E. Obstruction of Window Surface

No sign shall project over, occupy or obstruct any window surface required by code for light or ventilation.

7.7.7 Standards by Sign Types

A. Projecting Sign

A projecting sign shall be regulated as a detached sign and may project to within two feet of the curb line of a public street, provided however that no projecting sign shall project more than six feet into any required front yard. All projecting signs shall maintain a minimum clearance of eight feet above the right-of-way or sidewalk.

B. Awning, Canopy and Marquee Signs

These signs shall be regulated as attached signs if they project 18 inches or less from the awning, canopy or marquee; and, they shall be regulated as detached signs if they project more than 18 inches from the awning, canopy or marquee.

C. Portable Signs

1. Where illuminated, portable signs shall meet the Underwriters Laboratories, Inc. Standards and the City/County Electrical Code.
2. Signs must be so designed, built and located so that they will not be tipped over by wind velocities of less than 80 miles per hour.
3. Signs shall have affixed the number and date of issuance of the permit authorizing its use.
4. No sign shall be permitted to locate in a required parking space.

D. Directional Signs

Directional signs are permitted in all districts with a maximum height of eight feet except that no sign shall be permitted between four feet and six feet above grade, within five feet of any public right-of-way.

E. Detached On-Premise Signs

The following elements shall be a requirement for all detached on-premise signs:

1. The colors and materials of which the sign structure is constructed shall be of similar materials and complementary to the principal structure.
2. A landscaped area, containing a maximum area equivalent to two times the area of the permitted sign, should be installed around the immediate base area of the sign. The maximum requirement for landscaped area shall be 500 square feet. Landscaping provided around the immediate base of a sign shall be construed as meeting the landscaping requirements of any required landscape plate.
3. The landscape area should be irrigated with an underground sprinkler system.

F. Pole, Post or Pylon Signs

All pole, post or pylon signs with support poles having a diameter (width) of less than 18 inches shall be constructed with a pole cover or jacket around the support pole(s). The minimum dimension (depth or width) of the pole cover or jacket shall be 12 inches.

7.7.8 Permanent On-Premise Sign Regulations**A. CA, R-E, R-, RS-, RU- Districts**

1. Structural types permitted: Attached and detached signs, except for pole and roof signs.
2. Maximum Gross Surface Area: 12 square feet, or 12 square feet per acre whichever is greater, up to a maximum of 32 square feet.
3. Minimum Setback: No portion of a sign shall be located within ten feet of a right-of-way, and no sign greater than 12 square feet in area shall be located within 50 feet of an adjacent residential district or a residential portion of a planned development unless the sign is attached.
4. Maximum Number Permitted
 - a. Residential Uses: Either one attached or one detached sign per frontage per zoning lot. Attached signs shall be limited to the name of the establishment only.
 - b. Nonresidential Uses: Either one attached or one detached sign per frontage per zoning lot. Attached signs shall be limited to the name of the establishment only.
5. Maximum Height: Five feet for signs 12 square feet in area or less, and 12 feet for signs greater than 12 square feet in area.
6. Illumination: External or internal.
7. Lettering Size of Non-Residential Attached Signs
 - a. Maximum of 18 inches in height if sign is located less than or equal to 100 feet from the street.
 - b. Maximum of 30 inches in height if sign is located more than 100 feet from the street.
8. No sign identifying the operation within a residential structure as a boarding house or home for the elderly, group shelter, nursing home, personal care home for the elderly, residential home for the aged, rooming or lodging house, supportive living facility, or transitional home shall be allowed within public view unless authorized or approved by the governing bodies.

B. OG District

1. Structural Types Permitted: Attached and detached signs except for roof signs..
2. Maximum Gross Surface Area: 35 square feet per sign.
3. Minimum Setback: No portion of a sign shall be located within ten feet of a right-of way, and no sign greater than 12 square feet in area shall be located within 50 feet of an adjacent residential district or a residential portion of a planned development unless the sign is attached.
4. Maximum Number Permitted
 - a. Attached: One per ground floor establishment plus one for those with multiple establishments.
 - b. Detached: One per frontage per zoning lot.
5. Maximum Height

- a. Attached: As permitted by the district in which the sign is located.
 - b. Detached: 16 feet.
 - 6. Illumination: External or internal
- C. CMU-, CBD, EMP, WD, IH Districts**
 - 1. Structural Types Permitted: Attached and detached.
 - 2. Maximum Gross Surface Area
 - a. Attached: Not regulated

Editor's Note: Consider maximum related to wall area or frontage.

 - b. Detached
 - 1) In accordance with Table 1, Detached Sign Area and Height.
 - 2) Signs which are not in conformance with the required elements of 7.7.7E shall be reduced in size from the maximum area permitted, in accordance with the following:
 - 3) A ten percent reduction shall be required when the sign structure is not constructed with the same or substantially the same or similar materials of the building.
 - 4) A mandatory reduction of 12% shall be required when an irrigated landscaped area equivalent to two times the sign area is not provided.
 - 3. Minimum Setback:
 - a. Attached - Not regulated
 - b. Detached - As regulated above, and no sign shall be located within 50 feet of a CA or residential district or equivalent residential portion of an planned development.
 - c. All signs shall have a minimum setback of ten feet from the roadway which the property fronts.
 - 4. Maximum Number Permitted
 - a. Attached - Five per establishment and no more than two of the five may be located on any awning, canopy or marquee.
 - b. Detached - One sign per road frontage up to 200 feet of the zoning lot, plus one additional sign for each additional 200 feet of road frontage, to a maximum of three signs. After three signs, an additional sign may be added for each additional 300 feet of frontage. If installed, an integrated center sign shall be considered as one of the detached signs.
 - 5. Maximum Height
 - a. Attached: As permitted by the district in which the sign is located.
 - b. Detached
 - 1) In accordance with Table 1, Detached Sign Area and Height (see Map 1 for Zone).
 - 2) Interstate Highways 40, 55, 240, TN State Highways. 300 and 385 Controlled Access Road Interchange Maximum Height. If a property has frontage on a controlled access roadway (I-40,I-55,I-240, TN 300 and 385 - Map 2) within 1,500 feet of a controlled access interchange measured from the centerpoint of the interchange, the height of one sign shall be governed by the height permitted by the zoning district if the sign is oriented to and visible from the controlled access road travel lanes.
 - 3) For properties located within a radius of 1,500 feet from a controlled access road / arterial road interchange which do not have controlled access roadway frontage, the height of one sign shall be governed by the height of the district in which the property is located, subject to minor site plan review (see 10.12) if the property conforms to the following criteria:
 - 1. The sign is oriented to and visible from the controlled access road travel lanes;
 - 2. The sign is located more than 500 feet from property which is utilized for single-family detached , single-family attached or is in a R- district; and
 - 3. The sign will not be incompatible with immediately surrounding development.
 - 4) If the minor site plan is rejected, the property owner may appeal the decision of the Planning Director to the Land Use Control Board and subsequently to the governing bodies.
 - 6. Illumination Permitted: External or internal

D. Complex Sign

In addition to the above permitted signage, a complex sign is permitted if the following standards and requirements are met:

1. Permitted Districts: CA, residential districts
2. Standards: The sign can only identify the name of the subdivision, project or complex containing a minimum of 35 zoning lots or ten dwelling units.
3. Maximum Gross Surface Area:
 - a. Local Street (<60 feet ROW)- 30 square feet.
 - b. Collector Street (60-68 feet ROW)- 30 square feet.
 - c. Major Arterial Street (69-160 feet ROW)- 50 square feet.
 - d. Limited Access Road (>161 feet) – 100 square feet.
 - e. Signs which are not in conformance with the required elements of 7.7.7E shall be reduced in size from the maximum area permitted, in accordance with the following:
 - 1) A ten percent reduction shall be required when the sign structure is not constructed with the same or substantially the same or similar materials of the building.
 - 2) A mandatory reduction of 12% shall be required when an irrigated landscaped area equivalent to two times the sign area is not provided.
 - 3) Minimum Setback: ten feet or unless attached to a wall or fence.
 - f. Maximum Height
 - 1) Local Street (<60 feet ROW)- ten feet
 - 2) Collector Street (60-68 feet ROW)- ten feet
 - 3) Major Arterial Road (69-160 feet ROW)- 16 feet
 - 4) Controlled Access Road (>161 feet ROW)- 24 feet
4. Illumination: Direct or indirect
5. Structural Types Permitted: Detached or attached to a wall or fence.
6. Maximum Number Permitted: one per frontage on the periphery of the complex.

E. Integrated Center Sign

In addition to the above permitted signage, an integrated center sign is permitted if the following standards and requirements are met:

1. Permitted Districts; OG, CMU-, CBD, EMP, WD, IH Districts
2. Structural Types Permitted: Detached
3. Standards:
 - a. The sign can only identify the name of the integrated center and/or the center's establishments. If the sign is to contain the establishments of the center it must contain at least two establishments. An integrated center may contain more than one zoning lot., however, in this instance the permanent detached on-premise sign requirements shall be calculated as if the integrated center was one zoning lot. Otherwise an integrated center sign is not permitted.
 - b. An integrated center sign shall also be permitted in the OG District, if the center contains three or more zoning lots, has a total of two or more acres, and has shared parking or shared access; or meets the requirements of paragraph a above.
4. Maximum Gross Surface Area
 - a. In accordance with Table 2, Integrated Center Sign Area and Height.
 - b. Integrated center signs which are not in conformance with the required elements of 7.7.7E shall be reduced in size from the maximum area permitted, in accordance with the following:
 - 1) A ten percent reduction shall be required when the sign structure is not constructed with the same or substantially the same or similar materials of the building.
 - 2) A mandatory reduction of 12% shall be required when an irrigated landscaped area equivalent to two times the sign area is not provided.
5. Minimum Setback: No sign shall be located within 50 feet of a CA or residential district, or equivalent residential portion of a planned development.

7.7.9 Permanent Off-Premise Sign Regulations

6. Maximum Number Permitted: One per frontage up to 600 feet of the integrated center, plus one additional integrated center sign for each additional 400 feet of each road frontage.
7. Maximum Height
 - a. In accordance with Table 2, Integrated Center Sign Area & Height (see Map 1 for Zone).
 - b. Interstate Highways 40, 55, 240 and TN State Highways 300 and 385 Controlled Access Road Interchange Maximum Height. If a property has frontage on a controlled access roadway (I-40, I-55, I-240, TN 300 and 385 - Map 2) within 1,500 feet of a controlled access interchange measured from the centerpoint of the interchange, the height of one sign shall be governed by the height permitted by the zoning district if the sign is oriented to and visible from the controlled access road travel lanes.
 - c. For properties located within a radius of 1,500 feet from a controlled access road / arterial road interchange which do not have controlled access roadway frontage, the height of one sign shall be governed by the height of the zoning district in which the property is located, subject to minor site plan review (see 10.12) if the property conforms to the following criteria:
 - 1) The sign is oriented to and visible from the controlled access road travel lanes;
 - 2) The sign is located more than 500 feet from property which is utilized for single-family detached, single-family attached or is in a R- district; and
 - 3) The sign will not be incompatible with immediately surrounding development.
 - 4) If the minor site plan is rejected, the property owner may appeal the decision of the Planning Director to the Land Use Control Board and subsequently to the governing bodies.
8. Illumination: External or internal

F. Other Requirements

1. The minimum permissible horizontal distance between freestanding signs on the same property is 75 feet.
2. Where a freestanding sign is located in a vehicular parking or circulation area, a base or barrier of concrete or steel, not less than 30 inches high, shall be provided to protect the base of the sign from damage by vehicles.
3. All detached signs shall provide the address and street of the building served, with minimum four inch text. The address shall be posted in a color contrasting that of the marquee/signboard/pole cover jacket/base. When the building utilizes multiple addresses, such as multiple occupant mercantile tenants, the address range shall be posted.
4. Construction Signs. One sign per street frontage provided the area of such sign shall not exceed 16 square feet in residential districts or 32 square feet in other districts and not exceeding ten feet in height, and provided it is immediately removed upon the issuance of a certificate of occupancy or abandonment of work.

7.7.9 Permanent Off-Premise Sign Regulations

- A. Districts Permitted: CMU-3, CBD outside CBID, EMP, IH; and in the CA District with a special use permit.
 1. Maximum Gross Surface Area: 672 square feet
 2. Structural Types Permitted:
 - a. Attached Wall Signs
 - b. Detached signs
 3. Minimum Setback:

For supporting columns, the minimum required front yard for the district in which the sign is located, or no closer than the setback of the closest nonresidential principal building on the same side of the road that is within 200 feet of the proposed sign, whichever is less. In no instance shall any portion of the sign, or column be setback less than 20 feet.
 4. Maximum Number Permitted:

One sign (either attached or detached) with 1,000 foot spacing between such signs (measured from the center of the pole) located along the same side of the same road, or on any road which intersects or is parallel to that road if the sign is intended to be viewed from those roads.
- B. Other Permanent Off-Premise Sign Requirements. In addition to the above, the following requirements shall apply to all off-premise signs in all districts.
 1. No portion of a detached sign, if it can be read from the interstate freeway, shall be closer than ten feet from the interstate freeway right-of way or 100 feet from any emergency stopping shoulder lane.

2. No detached sign shall be permitted where the sign face or back of the sign is located within 100 feet of any property zoned residential or the residential portion of a planned development at the time the sign permit is secured.
3. No portion of a detached sign, pole or other supporting structure shall be located within 100 feet of any property zoned residential or the residential portion of a planned development.
4. The maximum gross surface area of a sign is as follows:
 - a. On all U.S. highways and interstate highways in Memphis and Shelby County, 672 square feet.
 - b. All interstate highways will be excluded from the CBID and CBIDII.
 - c. All other properly zoned arteries in Memphis and Shelby County: 500 square feet.
5. Signs may be externally or internally illuminated.
6. Signs shall not exceed the maximum height permitted in the district where the sign is located.
7. Off-premise signs shall not be permitted to be erected within any zoning district within the City of Memphis and Shelby County with the exception of U.S. interstate highways which shall be governed by the language in this ordinance as amended from time to time. Signs currently in the City of Memphis and Shelby County that are legal conforming at the time of adoption of this ordinance will remain designated legal conforming; signs that are legal nonconforming will remain designated as legal nonconforming signs.

7.7.10 Temporary Off-Premise Sign Regulations

- A. Permitted Districts:
 1. CA and residential districts
 2. OG, CMU-, CBD outside CBID, EMP, WD and IH
- B. Structural Types Permitted: Detached
- C. Maximum Gross Surface Area: 32 square feet
- D. Minimum Setback: 15 feet
- E. Maximum Number Permitted:
 1. For districts specified in paragraph A.1 above: One per frontage per zoning lot.
 2. For districts specified in paragraph A.2 above: One per frontage per zoning lot, except a detached temporary sign shall only be permitted if there is not detached signs on the property or the permanent on-premise sign requirements would permit another detached sign.
- F. Maximum Height: 12 feet
- G. Illumination: Not permitted
- H. Permitted Location:
 1. For districts specified in paragraph A.1 above:
 - a. The sign shall only advertise a business, product, or service permitted in the district where the sign is located, or that is permitted in any more restrictive districts.
 - b. The sign shall only be located at an intersection and on a road with at least 60 feet of right-of-way, or on a designated major road or freeway on the MPO Long Range Transportation Plan.
 - c. The sign shall only be located on a vacant zoning lot where a building permit has not been issued.
 2. For districts specified in paragraph A.2 above: No sign shall be permitted on a road with less than 60 feet of right-of-way.
- I. Removal Provision: A sign shall be removed within one year of the date of issuance of a permit.

7.7.11 Real Estate Sign Regulations

- A. Districts Permitted: All
- B. Structural Types Permitted:
 1. Attached - Not Regulated
 2. Detached - Regulated as set forth in Subsection C through H below:
- C. Maximum Gross Surface Area: 12 square feet on a minor road, 32 square feet on a major road; and 64 square feet on a major interstate road, per zoning lot per frontage, or 12 square feet per acre, whichever is greater, up to a maximum of 32 square feet on a minor road, 64 square feet on a major road and 160 square feet on an interstate freeway.

7.7.12 Limitation on Variances Allowed

- D. **Minimum Setback:** A sign greater than six square feet in area located in a residential district shall have a minimum setback of 15 feet. In other districts, the minimum setback shall be as regulated by the permanent detached on-premise sign setback requirements.
- E. **Number Permitted:** One detached sign per frontage per zoning lot.
- F. **Maximum Height:** Five feet for signs 12 square feet in area or less; and, signs greater than 12 square feet in area: 12 feet on a minor road, 16 feet on a major road, and 24 feet on an interstate freeway.
- G. **Illumination:** None
- H. **Removal Provision:** Signs shall be removed within 30 days after the date of the sale, lease or rental of real property.

7.7.12 Limitation on Variances Allowed

Notwithstanding the provisions of 10.21, Variances, no variance shall be granted from the standards of this Chapter for the maximum height, area or number of signs.

7.7.13 Creative Sign Permits**A. Process for Creative Sign Special Exception**

1. A special exception shall be submitted for a creative sign that does not match the required dimensional standards of this Chapter, but makes a positive impact on the visual environment due its creative design. This process may also be used to protect an historic sign with characteristics considered worth continuing, in spite of any nonconformity with regard to size, height or square footage of the sign.
2. The following signs are not eligible for a special exception.
 - a. A sign that will cause obstruction to vehicular, bike, or pedestrian traffic;
 - b. A sign that will cause undue distraction to vehicular, bike or pedestrian traffic, resulting in hazardous conditions; and
 - c. Construction or design of the sign or a proposed material are shown to be faulty and may result in falling pieces, sharp edges, or otherwise dangerous parts.

B. Review Criteria

The following criteria shall be considered in reviewing a creative sign.

1. Does the sign complement the principal building in terms of scale, proportion, color, materials, and lighting?
2. Does the sign incorporate an inventive representation of the use, name or logo of the structure or business?
3. Does the sign make a positive visual contribution to the overall image of the community?
4. Does the sign exhibit a classic historic design reflecting the current or historic character of the community or business?
5. Does the sign use or enhance the architectural elements, period, and style of the building?
6. Will the proposed signage be placed in a logical location in relation to the overall composition of the building's facade and not cover any essential architectural features/details of the facade?
7. Will the proposed signage be legible to pedestrians?
8. Will the sign be legible to motorists traveling at legal speeds on adjacent roadways without being or creating a traffic hazard?
9. Does the sign restrict visual intrusion into adjacent residential districts?

7.7.14 Special Sign Districts**A. Central Business Improvement District**

Sign requirements for the Central Business Improvement District are contained in the Memphis City Code, Chapter 12-36.

B. South Central Business Improvement District

Sign requirements for the South Central Business Improvement District are found in 5.1.

C. Uptown District

In addition to the standards of this Chapter, the following supplemental standards shall apply in the U- District.

1. General Standards

- a. Signs should not obscure key architectural features.
- b. Billboards or general advertising signs shall not be permitted.
- c. Signs shall block not the view of sights on an adjacent property.

2. Sign Illumination

- a. Signs should be either spotlighted, internally lit, or back lit with a diffused light source.
- b. Spotlighting should completely shield all light sources; light should be contained primarily within the sign frame. No light should glare onto an adjoining property or in the eyes of motorists or pedestrians.
- c. Neon signs may be used.

7.7.15 Sign Maintenance

- A. The cleaning, painting, repair or replacement of defective parts of a sign in a manner that does not alter the basic copy, design or structure of the sign shall be considered maintenance.
- B. The sign owner shall be liable to maintain such sign, including its illumination sources, in neat and orderly condition and good working order at all times and to prevent any deterioration in the safety of such sign.
- C. Nothing in this Chapter shall prohibit the routine maintenance of any nonconforming sign or the changing of the copy or content of any nonconforming sign, except where such maintenance or change in copy would increase the degree of its nonconformity.
- D. The Building Official may, with written notice, order the removal of any sign that is not maintained. Such removal shall be at the expense of the owner.

7.7.16 Abandoned Signs

- A. A sign or sign structure that has not been utilized for a period of 180 days or more, or a sign, the contents of which pertain to a place, time, event or purpose which no longer exists, applies or which has occurred shall be considered an abandoned sign.
- B. Such sign may be used by the current owner for leasing and management and shall be available for use by a new tenant, so long as the structure of the sign is not modified. Any sign used solely for leasing and management rather than a tenant must be removed after 365 days.
- C. Removal of an off-premise sign shall include removal of the sign face or faces, sign pole and the footing not less than six inches below the ground surface, filled and capped with a like surface.

TABLE 1: Detached Sign Area and Height

	Zone 1* Inside East, North, South Parkway and Interstate 240 Loop			Zone 2* Inside Interstate 40 / Interstate 55 / Interstate 240 Loop			Zone 3* Outside Interstate 40 / Interstate 55 / Interstate 240 Loop			Zone 4** Interchange
	Frontage Multiplier (ft.)	Maximum Square Feet	Maximum Height (ft.)	Frontage Multiplier (ft.)	Maximum Square Feet	Maximum Height (ft.)	Frontage Multiplier (ft.)	Maximum Square Feet	Maximum Height (ft.)	Maximum Height
Minor Street (=59' ROW)	0.0	25	6	0.2	35	6	0.2	35	15	As Permitted By District
Collector Street (60-70' ROW)	0.2	35	10	0.3	50	10	0.4	50	30	As Permitted By District
Major Arterial Road (71-160' ROW)	0.7	200	20	0.9	250	25	0.9	300	35	As Permitted By District
Controlled Access Road (=161' ROW)	0.7	200	25	0.9	250	35	0.9	300	50	As Permitted By District

- Notes:
- 1) Frontage that is counted to permit any detached sign, including an integrated center sign, shall not be counted to permit any other detached or integrated center sign.
 - 2) Minimum 40 feet of frontage required, except that 100 feet is required for pole signs along controlled access roads.
 - * As shown on Map #1.
 - ** As shown on Map #2.

CHART I: Detached Sign Area Calculations (lot frontage in feet)

Multiplier (ft)	1	2	3	4	5	6	7	8	9	10	20	30	40	50	60	70	80	90	100
0.2	0.2	0.4	0.6	0.8	1.0	1.2	1.4	1.6	1.8	2	4	6	8	10	12	14	16	18	20
0.3	0.3	0.6	0.9	1.2	1.5	1.8	2.1	2.4	2.7	3	6	9	12	15	18	21	24	27	30
0.4	0.4	0.8	1.2	1.6	2	2.4	2.8	3.2	3.6	4	8	12	16	20	24	28	32	36	40
0.8	0.8	1.6	2.4	3.2	4	4.8	5.6	6.4	7.2	8	16	24	32	40	48	56	64	72	80
1.0	1	2	3	4	5	6	7	8	9	10	20	30	40	50	60	70	80	90	100

TABLE 2: Integrated Center Sign Area and Height

	Zone 1* Inside East, North, South Parkway and Interstate 240 Loop			Zone 2* Inside Interstate 40 / Interstate 55 / Interstate 240 Loop			Zone 3* Outside Interstate 40 / Interstate 55 / Interstate 240 Loop			Zone 4** Interchange
	Frontage Multiplier (ft.)	Maximum Square Feet	Maximum Height (ft.)	Frontage Multiplier (ft.)	Maximum Square Feet	Maximum Height (ft.)	Frontage Multiplier (ft.)	Maximum Square Feet	Maximum Height (ft.)	Maximum Height
Minor Street (=59' ROW)	0.0	35	8	0.2	50	8	0.2	50	20	As Permitted By District
Collector Street (60-70' ROW)	0.2	100	15	0.3	150	15	0.4	200	35	As Permitted By District
Major Arterial Road (71-160' ROW)	0.8	300	20	1.0	350	35	1.0	400	40'	As Permitted By District
Controlled Access Road (=161' ROW)	0.8	300	25	1.0	350	40	1.0	400	55'	As Permitted By District

Notes:

- 1) Frontage that is counted to permit any detached sign, including an integrated center sign, shall not be counted to permit any other detached or integrated center sign.
- 2) Minimum 40 feet of frontage required, except that 100 feet is required for pole signs along controlled access roads.
- * As shown on Map #1.
- ** As shown on Map #2.

CHART II: Sign Area Calculations (lot frontage in feet)

Multiplier (ft)	1	2	3	4	5	6	7	8	9	10	20	30	40	50	60	70	80	90	100
0.2	0.2	0.4	0.6	0.8	1.0	1.2	1.4	1.6	1.8	2	4	6	8	10	12	14	16	18	20
0.3	0.3	0.6	0.9	1.2	1.5	1.8	2.1	2.4	2.7	3	6	9	12	15	18	21	24	27	30
0.4	0.4	0.8	1.2	1.6	2	2.4	2.8	3.2	3.6	4	8	12	16	20	24	28	32	36	40
0.8	0.8	1.6	2.4	3.2	4	4.8	5.6	6.4	7.2	8	16	24	32	40	48	56	64	72	80
1.0	1	2	3	4	5	6	7	8	9	10	20	30	40	50	60	70	80	90	100

7.8 PLANNED DEVELOPMENT

7.8.1 Purpose

The intent of a special use permit for a planned development is to create a more desirable use of the land, a more coherent and coordinated development, and a better physical environment than would be possible under a single base zoning district or combination of base zoning districts. Planned developments are intended as tool to allow creative and imaginative design that will promote amenities beyond those expected in conventional developments.

7.8.2 Applicability

The governing bodies may, upon proper application, grant a special use permit for a planned development (see 10.6) for a site of any size within the City or for parcels of at least three acres in unincorporated Shelby County to facilitate the use of flexible techniques of land development and site design, by providing relief from district requirements designed for conventional developments, and may establish standards and procedures for planned developments in order to obtain one or more of the following objectives:

- A. Environmental design in the development of land that is of a higher quality than is possible under the regulations otherwise applicable to the property.
- B. Diversification in the uses permitted and variation in the relationship of uses, structures, open space and height of structures in developments intended as cohesive, unified projects.
- C. Functional and beneficial uses of open space areas.
- D. Preservation of natural features of a development site.
- E. Creation of a safe and desirable living environment for residential areas characterized by a unified building and site development program.
- F. Rational and economic development in relation to public services.
- G. Efficient and effective traffic circulation, both within and adjacent to the development site.
- H. Creation of a variety of housing compatible with surrounding neighborhoods to provide a greater choice of types of environment and living units.
- I. Revitalization of established commercial centers of integrated design to order to encourage the rehabilitation of such centers in order to meet current market preferences.
- J. Provision in attractive and appropriate locations for business and manufacturing uses in well-designed buildings and provision of opportunities for employment closer to residence with a reduction in travel time from home to work.

7.8.3 General Provisions

The governing bodies may grant a special use permit which modifies the applicable district regulations upon written findings and recommendations by the Land Use Control Board which shall be forwarded pursuant to provisions contained in this Chapter.

- A. The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.
- B. An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development.
- C. The location and arrangement of the structures, parking areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses, and any part of the proposed development not used for structures, parking and loading areas or access way shall be landscaped or otherwise improved except where natural features are such as to justify preservation.
- D. Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest.
- E. Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements.

7.8.4 Planned Residential Developments

In addition to the standards and criteria set forth in 7.8.3, planned residential developments shall comply with the standards and criteria set forth below:

A. Design and Preservation of Common Open Space

A minimum of 35% of the total land area of a planned residential development shall be in common open space. No open area may be delineated or accepted as common open space under the provisions of this Chapter unless it meets the standards of 8.2, Open Space.

B. Accessibility of Site

All proposed streets, alleys and driveways shall be adequate to serve the residents, occupants, visitors or other anticipated traffic of the planned residential development, but may be designed so as to discourage outside through traffic from traversing the development. The location of the entrance points of the streets, alleys and driveways upon existing public roadways shall be subject to the approval of the City or County Division of Public Works.

C. Off-Street Parking

Off-street parking shall be conveniently accessible to all dwelling units and other uses. Where appropriate, common driveways, parking areas, walks and steps may be provided, maintained and lighted for night use. Screening of parking and service areas shall be required through use of trees, shrubs and/or hedges and screening walls.

D. Pedestrian Circulation

The pedestrian circulation system and its related walkways shall be separated, whenever feasible, from the vehicular street system in order to provide an appropriate degree of separation of pedestrian and vehicular movement.

E. Privacy

The planned residential development shall provide reasonable visual and acoustical privacy for dwelling units within and adjacent to the planned residential development. Protection and enhancement of property and the privacy of its occupants may be provided by the screening of objectionable views or uses and reduction of noise through the use of fences, insulation, natural foliage, berms and landscaped barriers. High-rise buildings shall be located within the development in such a way as to minimize any adverse impact on adjoining low rise buildings.

7.8.5 Planned Commercial or Industrial Developments

Approval of a planned commercial or industrial development may be issued by the governing bodies for buildings or premises to be used for the retail sale of merchandise and services, parking areas, office buildings, hotels and motels and similar facilities ordinarily accepted as commercial center uses and those industrial uses which can be reasonably be expected to function in a compatible manner with the other permitted uses in the area. In addition to the applicable standards and criteria set forth in 7.8.3, planned commercial or industrial developments shall comply with the following standards:

A. Screening

When commercial or industrial structures or uses in a planned commercial or industrial development abut a residential district or permitted residential buildings in the same development, screening may be required by the governing bodies.

B. Display of Merchandise

All business, manufacturing and processing shall be conducted, and all merchandise and materials shall be displayed and stored, within a completely enclosed building or within an open area which is completely screened from the view of adjacent properties and public rights-of-way, provided, however, that when an automobile service station or gasoline sales are permitted in a planned commercial development, gasoline may be sold from pumps outside of a structure.

C. Accessibility

The site shall be accessible from the proposed street network in the vicinity which will be adequate to carry the anticipated traffic of the proposed development. The streets and driveways on the site of the proposed

development shall be adequate to serve the enterprises located in the proposed development and may be designed to discourage outside through traffic from traversing the development.

D. Landscaping

Landscaping shall be required to provide screening of objectionable views of uses and the reduction of noise. High-rise buildings shall be located within the development in such a way as to minimize any adverse impact on adjoining low-rise buildings.

Editor's Note: Consider standards for mixed use planned developments ?

Article 8. Natural Resource Protection

8.1 TREE PROTECTION

8.1.1 Purpose

The purpose of this Chapter is to reasonably regulate and control the clearing of trees and woody vegetation in the City of Memphis and unincorporated Shelby County, to encourage the protection and preservation of existing trees and root systems, to encourage the planting of new trees, and to establish procedures and minimum standards for fulfilling these purposes in appropriate areas.

8.1.2 Applicability

- A. No tract shall be cleared prior to approval of a preliminary plan, final plat, or outline plan and issuance of a tree removal permit in accordance with 10.15.
- B. This requirement shall not apply to any C-P plan, SC-1 plan, general plan or ML plan approved prior to the effective date of this development code.

8.1.3 Tree Preservation Required

- A. Tree preservation is required for the perimeter of a development site and may be required for the remainder of the tract in accordance with the table below.
- B. The perimeter of site is considered the outside boundary of the total tract. The perimeter shall not include required reservation of right-of-way for major roads or collector streets. The remainder of the tract is considered that portion of the total tract not classified as perimeter.
- C. Along public rights-of-way of any proposed residential district or the residential portion of a proposed planned development, a 50-foot buffer of naturally existing vegetation shall be maintained, exclusive of areas required for access to the tract.
- D. Along any remaining perimeter of the tract, a 25-foot buffer of naturally existing vegetation shall be maintained, exclusive of areas required for access to the tract.
- E. The following portions of the perimeter and remainder of a site are allowed to be disturbed, including grading and clearing.

Zoning District	Maximum Disturbed Area	
	Perimeter of Site	Remainder of Site
R-E, R-15	18%	80%
R-10, R-8, R-6, R-3	18%	100%
R-S, R-U	18%	80%
OG	18%	90%
CMU-, CBD, CMP	23%	90%
EMP, WD, IH	30%	100%
CA, CIV	18%	100%
Planned Development Proposed Use	Perimeter of Site	Remainder of Site
Single-family (10,000 sq. ft. or less)	18%	100%
Single-family (over 10,000 sq. ft.)	18%	80%
Multifamily	18%	80%
Office/institutional	18%	90%
Retail	23%	90%
Industrial	30%	100%
Agricultural	18%	100%

8.1.4 Mitigation Requirements/Tree Bank

- A. The diameter at breast height (DBH) of any existing tree to be removed from the perimeter of a tract shall be calculated. The total number of inches removed from the perimeter of the tract shall be replaced with an equivalent

number of caliper inches of new live trees. Replacement trees shall be at least a 2½-inch caliper and shall be planted on the subject tract.

- B. In the event that the Planning Director determines that the proposed site is located in any district that may not adequately provide the required space to accommodate the replacement trees, or the soil types, topography and/or unusual nature of the site would not assure the growth of trees, the applicant may be required to contribute to the tree bank an amount of money equal to the cost of providing the required replacement trees. A schedule of reasonable costs shall be determined by the Planning Director and may be updated from time to time.

8.1.5 Tree Protection, Open Space and Buffers

All perimeter areas may be eligible for credit as open space, provided they meet or exceed the minimum requirements of 8.2, Open Space. Existing vegetation in perimeter areas may also count as a required buffer, provided it meets or exceeds the requirements of 7.4.5, Required Buffers.

8.1.6 Tree Protection Measures During Construction

All trees on public or private property that are designated for preservation shall be protected during the development of the site by a barrier or temporary fencing at least three feet high that designates the enclosed area as a tree protection zone. This enclosure shall extend to the drip line of the protected trees, except where such trees extend into an area to be graded, in which case the protection shall be no less than ten feet beyond the trunk of the protected tree. No construction materials, waste materials, excess dirt, or construction debris shall be deposited, nor shall any equipment or vehicles be allowed within this protection zone. Protected trees shall be irrigated or watered as necessary to maintain the trees in healthy condition.

8.2 OPEN SPACE

8.2.1 Applicability

- A. The minimum open space requirements, where applicable, are set forth by district in the Article 3, Building Envelope Standards. No additional open space shall be required on the tract, except where otherwise required by state or federal law. In the case that a development is being developed in phases, the amount of open space shall be computed separately for each phase, but may be combined with existing open space in earlier phases to create a larger uniform area.
- B. The governing bodies reserve the right to refuse to accept public dedication of open space used to meet the requirements of this Chapter. The location of the proposed open space, its suitability for recreational use, and any adopted recreational or open space plans shall be considered in determining whether to accept dedication. The decision shall be made by the governing bodies in approval of preliminary subdivision plans or special use permits, or by the Planning Director in approval of site plans. Any decision of the Planning Director relative to this Chapter may be appealed to the governing bodies.

8.2.2 Open Space Priority

In allocating land for open space, the following hierarchy of primary and secondary open space shall be used.

A. Primary Open Space

The following are considered primary open space areas and shall be included within the open space, unless the applicant demonstrates that this provision would constitute an unusual hardship and is counter to the purposes of this development code:

1. The 100-year floodplain;
2. Stream buffer areas required along each side of all perennial and intermittent streams (see 8.4);
3. Slopes above 25% of at least 5,000 square feet contiguous area (see 8.3);
4. Jurisdictional wetlands under federal law (Section 404) that meet the definition applied by the Army Corps of Engineers;
5. Habitat for federally-listed endangered or threatened species;
6. Historic, archaeological and cultural sites, cemeteries and burial grounds;
7. Existing healthy native forests of at least ten contiguous acres in size that are subject to a forest stewardship plan approved by the Tennessee Division of Forestry; and
8. Agricultural lands of at least 20 contiguous acres containing at least 25% prime farmland soils or other soils of statewide importance.

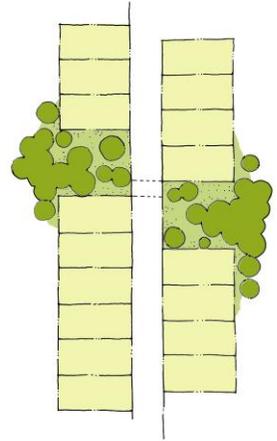
B. Secondary Open Space

The following are considered secondary open space areas and shall be included within the required open space to the maximum extent feasible.

1. Existing healthy, native forests of at least one acre contiguous area;
2. Individual existing healthy trees greater than 12 inches DBH;
3. Other significant natural features and scenic viewsheds such as ridge lines, hedge rows, field borders, meadows, fields, peaks and rock outcroppings, particularly those that can be seen from public roadways;
4. Areas that connect the tract to neighboring open space, trails or greenways;
5. Soils with "severe" limitations for development due to drainage problems; and
6. Landscaped site elements such as required buffers (see 7.4.5), civic greens and landscaped medians.

8.2.3 Configuration of Open Space

- A. The minimum width for any required open space shall be 50 feet. Exceptions may be granted for items such as trail easements, mid-block crossings, and linear parks, when their purpose meets the intent of this Chapter.
- B. At least 60% of the required open space shall be in a contiguous parcel or series of parcels. For the purposes of this section, contiguous shall include any open space bisected by a local residential street (including a residential collector), provided that:
 1. A pedestrian crosswalk is constructed to provide access to the open space on both sides of the street; and
 2. The right-of-way area is not included in the calculation of minimum open space required.
- C. The open space shall adjoin any neighboring areas of open space, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected open space.
- D. The required open space shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjoining lots shall be provided with safe, convenient access to the open space (i.e. mid-block connections in logical locations). No lot within the subdivision should be further than a ¼-mile radius from the required open space. This radius shall be measured in a straight line, without regard for street, sidewalk or trail connections to the open space.
- E. Access to the open space shall be provided either by an abutting street or easement. Such easement shall be not less than 20 feet wide.



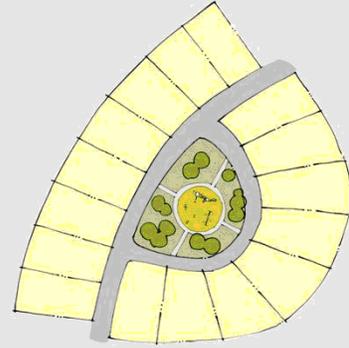
8.2.4 Improved Open Space

- At least 25% of any required open space shall be improved. Trails shall be developed in accordance with Memphis and Shelby County Trail Design Standards. Other improved open space areas may be developed as forth below.
- A. Alternative improvements may be allowed, subject to approval by the governing bodies.
 - B. The shape, topography, and subsoils shall be appropriate to the improvements proposed.
 - C. Where open space consists of prime agricultural land or healthy native forests that are subject to a forest stewardship plan approved by the Tennessee Division of Forestry, this improvement requirement shall not apply.
 - D. The intended types of open space improvements are described and diagrammed below. The diagrams are only illustrative; specific designs would be prepared in accordance with the text, which includes minimum and maximum size restrictions.

IMPROVED OPEN SPACE REQUIREMENTS (1 of 2)

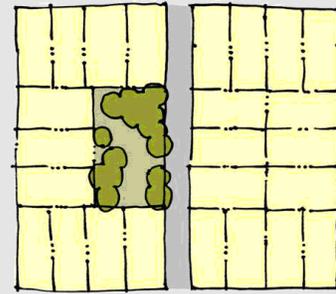
Tot Lot & Playgrounds. Provide play areas for children as well as open shelter and benches. May be built within Squares, Greens, Mini-Parks and Neighborhood Parks or may stand alone within a residential block.

Shall be designed with commercial grade play equipment for two age groups: tot lot for children ages 1 to 5; and separate play equipment for children ages 6 to 10. Minimum requirements include two park benches and a trash receptacle. Must have shock absorbing surface with a maximum 2% slope and shall meet all federal, state and local regulations and be compliant with the Americans with Disabilities Act.



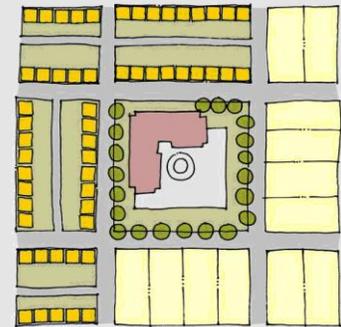
Mini-Park. Provides active recreational facilities for the use by the residents of the immediate surrounding neighborhood within the development.

Size is from 2,500 sq. ft to 1 acre. May include: tennis courts, basketball courts, playgrounds and seating accommodations. Rear facing lots are allowed. Mini-parks shall be attractively landscaped and be provided with sufficient natural or man-made screening or buffer areas to minimize any negative impacts upon adjacent residences.



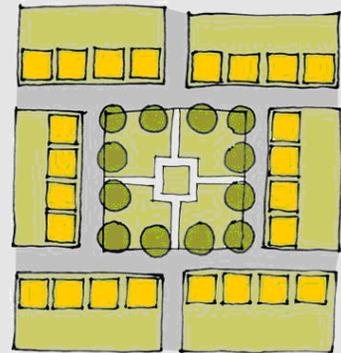
Plaza. Provides passive recreation use adjacent to a civic or commercial building. Plazas are paved in brick or another type of imperious surface.

Size is from 2,000 to 30,000 sq. ft. Plazas shall be level, stepped or gently sloping. At no time shall a plaza's horizontal length or width be greater than three times the height of surrounding buildings.



Square. Squares are formal areas for passive recreation use bound by streets or front facing lots.

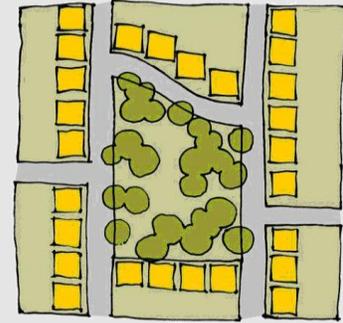
Size is 500 sq. ft. to 1 acre. Squares shall be bound by streets on a minimum of three sides or 75 percent of their perimeter and may be bound by front facing lots on one side or 25 percent of their perimeter. No rear facing lots allowed adjacent to a square. Trees plantings are encouraged parallel to the street right of way. Geometrical tree planting layouts for internal plantings are encouraged.



IMPROVED OPEN SPACE REQUIREMENTS (2 of 2)

Green. *The green is an informal area for passive use bound by streets or front facing lots.*

Size is 500 sq. ft. to 1 acre. A green shall be bound by streets on a minimum of three sides or 75% of their perimeter and may be bound by front facing lots on one side or 25% of their perimeter. No rear facing lots allowed adjacent to a Green. Tree plantings can be informal and the topography irregular. Greens may be used to preserve specimen trees.



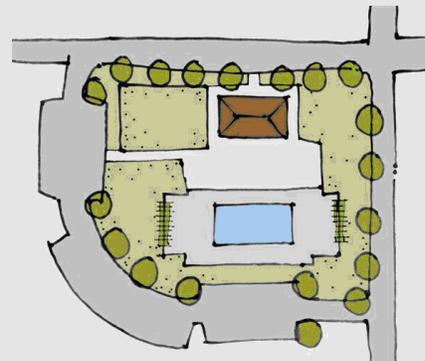
Neighborhood Park. *Designed for active or passive recreation use. Maximum park size can exceed five acres if the Neighborhood Park creates an open space that services an entire neighborhood or a group of neighborhoods, or incorporates physical features that are an asset to the community (i.e. lake or river frontage, high ground, or significant stands of trees).*

Minimum size from 1 to 5 acres. Neighborhood parks shall be bounded by streets on at least 50% of their perimeter. Neighborhood parks shall include benches and walking paths. Neighborhood parks may include but are not limited to: tennis courts, racquet ball courts, basketball courts, volley ball courts, ball fields, swings, slides, playgrounds, dog parks, benches, restrooms, picnic units, shelters, walking paths and parking areas.



Clubhouse/Pool Amenity Area. *Clubhouse/pool areas can be found in a neighborhood park, mini-park or alone as an amenity area for the residents of a developed community. Clubhouse/pool areas can include: swimming pools, group activity room, gazebos, outdoor eating areas, and exercise stations.*

Pools should be a minimum size of 1,000 sq. ft. Clubhouses and swimming pools must meet all applicable building and health codes.



Greenway. *Greenways typically follow natural or constructed features such as streams or roads and are designed to incorporate natural settings such as creeks and significant stands of trees, and are used for transportation, recreation, and environmental protection. Greenways differ from parks; plazas and squares in that their detailing is natural (i.e. informally planted) except along rights-of-way, and may contain irregular topography.*

Design of the greenway should incorporate conservation of existing mature tree canopy and landscape, protection of existing natural drainage ways and creeks. Improvements shall include paved walks/trails and benches, and trash receptacles.



8.2.5 Permitted Uses of Open Space

Uses of open space may include the following:

- A. Conservation areas for natural, archeological or historical resources;
- B. Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;
- C. Pedestrian or multipurpose trails;
- D. Passive recreation areas;
- E. Active recreation areas, provided that impervious area is limited to no more than 25% of the total open space (active recreation areas in excess of this impervious area limit shall be located outside of the protected open space);
- F. Golf courses (excluding clubhouse areas and maintenance facilities), provided the area does not exceed 50% of the required open space, and further provided that impervious area is limited to no more than ten percent of the total open space;
- G. Above-ground utility rights-of-way, provided the area does not exceed 50% of the required open space;
- H. Water bodies, such as lakes and ponds, and floodways provided the total surface area does not exceed 50% of the required open space;
- I. Agriculture, horticulture, silviculture or pasture uses, provided that all applicable best management practices are used to minimize environmental impacts;
- J. Landscaped stormwater management facilities;
- K. Easements for drainage, access, and underground utility lines; and
- L. Other conservation-oriented uses compatible with the purposes of this development code.

8.2.6 Prohibited Uses of Open Space

Open space shall not include the following:

- A. Individual wastewater disposal systems (community systems may be permitted);
- B. Streets (except for street crossings as expressly provided in 8.2.3 above) and parking areas;
- C. Other activities as determined by the applicant and recorded on the legal instrument providing for permanent protection.

8.2.7 Ownership and Management of Open Space

A. Ownership

No residential lots shall be allowed to extend into the required open space. Open space shall be accepted and owned by one of the following entities:

- 1. City of Memphis. The responsibility for maintaining the open space, and any facilities shall be borne by the City.
- 2. Shelby County. The responsibility for maintaining the open space, and any facilities shall be borne by the County.
- 3. Land conservancy or land trust. The responsibility for maintaining the open space and any facilities shall be borne by a land conservancy or land trust.
- 4. Homeowners association. A homeowners association representing residents of the subdivision shall own the open space. Membership in the association shall be mandatory and automatic for all homeowners of the subdivision and their successors. The Homeowners' Association shall have lien authority to ensure the collection of dues from all members. The responsibility for maintaining the open space, and any facilities shall be borne by the Homeowner's Association.
- 5. Private landowner. A private landowner may retain ownership of open space. The responsibility for maintaining the open space, and any facilities shall be borne by the private landowner.

B. Management Plan

Applicants shall submit a plan for the management of open space and other common facilities that:

- 1. Allocates responsibility and guidelines for the maintenance and operation of the open space and any facilities located thereon, including provisions for ongoing maintenance and for long-term capital improvements;
- 2. Estimates the costs and staffing requirements needed for maintenance and operation of, and insurance for, the open space and outlines the means by which such funding will be obtained or provided;

3. Provides that any changes to the plan be approved by the Planning Director; and
4. Provides for enforcement of the plan.

C. Maintenance of Open Space

1. Passive open space maintenance is limited to removal of litter, dead tree and plant materials (that is obstructing pedestrian movement), and brush; weeding and mowing. Natural water courses are to be maintained as free-flowing and devoid of debris. Stream channels shall be maintained so as not to alter floodplain levels.
2. No specific maintenance is required for agricultural uses.
3. Active open space areas shall be accessible to all residents of the development. Maintenance is limited to ensuring that there exist no hazards, nuisances or unhealthy conditions.

D. Failure to Maintain Open Space

In the event the party responsible for maintenance of the open space fails to maintain all or any portion in reasonable order and condition, the City or County may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance may be charged to the Homeowner's Association, or to the individual property owners that make up the Homeowner's Association, and may include administrative costs and penalties. Such costs shall become a lien on all subdivision properties.

8.2.8 Legal Instrument for Permanent Protection

- A. The open space shall be protected in perpetuity by a binding legal instrument that is recorded with the deed. The instrument shall be one of the following:
 1. A permanent conservation easement in favor of either:
 - a. A land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for re-transfer in the event the organization becomes unable to carry out its functions; or
 - b. A governmental entity with an interest in pursuing goals compatible with the purposes of this development code. If the entity accepting the easement is not the City or County, then a third right of enforcement favoring the City or County shall be included in the easement.
 2. A permanent restrictive covenant for conservation purposes in favor of a governmental entity.
 3. An equivalent legal tool that provides permanent protection, if approved by the City or County.
 4. The instrument for permanent protection shall include clear restrictions on the use of the open space. These restrictions shall include all restrictions contained in this Chapter, as well as any further restrictions the applicant chooses to place on the use of the open space. Where appropriate, the instrument shall allow for stream or habitat restoration within the easement area.

8.3 STEEP SLOPE PROTECTION

8.3.1 Applicability

- A. Slope is the relationship of vertical rise to horizontal run, expressed as a percentage. Steep slope areas shall be defined as land areas that:
1. Have a grade of 25% or more; and
 2. Have an area of 5,000 square feet or greater.
- B. Steep slope areas refer to natural grades and shall not include man-made grades. Slope calculations shall use the smallest contour interval for which maps are available. Steep slope areas shall be determined irrespective of tract boundaries.
- C. Steep slope areas shall be clearly indicated on all site plans, preliminary plats, outline plans, final plans and final plats. When a property owner or developer believes that the presence or location of a steep slope area is different than what is shown on the appropriate topographic map, the Planning Director shall have the authority to determine the location or presence of the moderate or steep slope area for purposes of meeting the requirements of this Chapter.

8.3.2 Steep Slope Development Limitations

Development and land disturbing activity on steep slope areas shall be conducted only in accordance with the following requirements. Compliance with these requirements shall be determined by the approving authority.

- A. Development shall be designed and constructed in order to minimize disturbance to the natural landform as much as possible. Development shall demonstrate appropriate terrain-adaptive design and construction techniques. An inability to design a particular development allowed by the underlying district without significant disturbance to the natural landform may indicate that the site should not accommodate the full amount of proposed development. Alternate site design and construction measures shall be encouraged to mitigate the effects of development on steep slopes. The grade of reconstructed slopes shall not exceed 50%. Non-load bearing retaining walls shall be encouraged in order to reduce the amount of disturbance to the natural slope.
- B. In order to accommodate building placement on steep slope areas, front and side setbacks on lots on the interior of the development may be reduced by up to 50% through the special exception process by the Land Use Control Board (see 10.13).
- C. On any tract proposed for construction, no more than 15% of the steep slope area on the tract shall be graded. For purposes of this calculation, the land areas of individual steep slope areas on the tract shall be added together to establish the total steep slope area for the tract.
- D. Development shall be designed and arranged in order to minimize the impact of street construction on steep slope areas. Proposed right-of-way for major roads shall be exempt from the steep slope area grading limits of this Chapter, provided that the Planning Director determines that proposed rights-of-way are designed and arranged in order to minimize the impact on steep slope areas.

8.3.3 Required Open Space

Steep slope areas may be eligible for credit as open space, provided they meet or exceed the minimum requirements of 8.2, Open Space.

8.4 STREAM BUFFERS

8.4.1 Buffer Required

- A. A 60-foot stream buffer shall be established on both sides of all perennial streams (indicated by a solid blue line on the USGS Quadrangle maps) and all intermittent streams (indicated by a dotted blue line on the USGS Quadrangle maps). The buffer shall extend outward from the mean high water line.
- B. The applicant may substitute a detailed field survey to verify the location of perennial and intermittent streams on the subject property and within 60 feet of the boundary of the subject property. All designated floodways and flood fringe areas as defined by the Federal Emergency Management Agency (FEMA) are also subject to these restrictions.
- C. Stream buffers shall be shown on all appropriate plans and plats submitted for review.
- D. No development or land disturbance shall occur within this stream buffer except as listed below.

8.4.2 Limited Activity Permitted

Except for the following limited activities, stream buffer areas shall remain undisturbed.

- A. When agricultural soil disturbing activities such as plowing, grading, ditching, excavating, placement of fill material, or similar activities must occur, they shall conform to all state and federal regulations. Existing agricultural operations, forested or vegetated areas within stream buffer areas shall follow the Tennessee Valley Authority best management practices for riparian restoration.
- B. Permitted activities within the stream buffer area include sewer easements, providing the activities strictly adhere to all applicable erosion control requirements and all applicable water quality requirements. Perennial vegetation must be established as a necessary step in completing construction of any sewer facilities. Sewer easements should be as close to perpendicular or parallel to the stream channel to minimize the impact on the stream buffer. Other overhead or underground utilities, roads, streets, bridges, or similar structures should be placed within existing public rights-of-way if possible, but in any case, must cross the buffer as close to perpendicular as possible.

8.4.3 Revegetation

All disturbed areas within the stream buffer area, whether the disturbance was permitted or not, shall be revegetated with perennial vegetation as soon as practical immediately after the disturbance. Any noncompliance shall be treated as a violation of this development code and be subject to enforcement as described in Article 12, Enforcement.

8.4.4 Minimum Setback

The minimum setback from a stream buffer for any building shall be at least ten feet.

8.4.5 Minimum Lot Size

Land within a stream buffer shall not be used to meet minimum lot size requirements, except where lots are greater than one acre in area, in which case at least 50% of the lot shall remain outside the stream buffer.

8.4.6 Required Open Space

Stream buffer areas may be eligible for credit as open space, provided they meet or exceed the minimum requirements of 8.2, Open Space.

8.5 RESOURCE EXTRACTION

All resource extraction requires a special permit (see 10.6) and is subject to the following standards.

- A. The application for a special permit shall be accompanied by a sworn affidavit by the applicant that all permits and approvals required by any local, state or federal environmental laws or regulations including, but not limited to, water and air pollution laws and regulations have been or will be secured, and that such use shall be operated in accordance with any such local, state or federal environmental laws or regulations.
- B. Over-burden shall be retained on a suitable portion of the site of the sand or gravel or other extraction operations and shall be used for back fill.
- C. Adequate supports shall be provided to prevent caving and backsliding into an excavated area. No excavation shall be made within 75 feet of the perimeter of the site of the sand, gravel or other extraction operation; within 100 feet of any street right-of-way or within 250 feet of any building used for residential purposes provided, however, that if the owner of the property adjoining, abutting or adjacent to the property which is the site of the sand, gravel or other extraction and processing operations agrees, in writing, such excavation may be closer to such property owner's lot line provided that in no case shall an excavation be made within 30 feet of the lot line of any other property. Such notarized written agreement shall be submitted with the application for a special permit.
- D. All excavations shall be filled and the land restored, regraded and resloped as nearly as practicable to its original condition and grade within 90 days after the date sand, gravel or other extraction operations cease provided, however, that any excavation made closer than 250 feet to a lot line of the property which is the site of the sand, gravel or other extraction operations shall be filled and the land restored, regraded and resloped within nine months from the date the excavation within 250 feet of such lot line is completed unless the owner of property abutting or adjoining such lot line agrees, in writing, to an extension of time within which such reclamation activities shall be completed. Such written agreement shall be notarized and shall be submitted with the application for a special permit or to the Building Official at any time prior to the expiration of the nine-month period within which excavations within 250 feet of the lot line of property which is the site of the sand, gravel or other extraction operations must be filled, restored, regraded and resloped. Such agreement shall set forth the date when such reclamation activities shall be completed, which date shall, in no event, be later than 90 days after the date sand, gravel or other extraction operations on the property cease. Failure to complete reclamation activities by the date set forth in such agreement shall be deemed a violation of this Article. If at any time such agreement is modified, rescinded, or becomes null and void, the owner of the property which is the site of the sand, gravel or other extraction operation shall within ten days thereafter notify the Building Official thereof in writing stating whether such agreement is revoked, null and void or modified, and if modified, the provision of such agreement which has been modified along with a copy of the modified agreement. If the agreement is revoked or becomes null and void, excavations within 250 feet of the property line of the property shall cease immediately, and the area which was the subject of such agreement shall be filled, restored, regraded or resloped within 90 days after the date of such agreement became null and void. If the date upon which reclamation activities shall be completed is revised in a modified agreement, reclamation activities shall be completed by such date.
- E. Land shall be restored, regraded and resloped as nearly as practicable to its original condition and grade provided, however, that after such reclamation activities, no slope on such land shall be steeper than three feet horizontal to one foot vertical and no greater quantities of drainage water shall flow onto adjoining properties or shall flow at a faster rate onto adjoining properties than such drainage water flowed prior to the commencement of sand, gravel or other extraction or processing activities on the land reclaimed.
- F. Prior to the commencement of sand, gravel or other extraction operations, the applicant for the special permit shall submit to the Building Official a performance bond in the amount of \$3,500 per acre, increasing \$100 per acre per year from the date of adoption of this Article, for each acre proposed to be used for sand, gravel or other extraction operations to insure that the land shall be restored, regraded and resloped as provided in this Chapter when such mining or extraction operations cease. Such performance bond shall be released after reclamation activities are complete and the condition, grade, and drainage of the land are approved in writing by the Building Official and City or County Engineer provided, however, that a proportionate release of such bond may be authorized by the Building Official and City or County Engineer for phased or partial reclamation.
- G. Equipment used in sand, gravel or other extraction or processing operations shall be operated in such a manner that noise and vibration are prevented, to the extent possible, from emanating beyond the boundaries of the site of the mining, extraction or processing operations.

- H. A statement setting forth the type, location and conditions of such processing operations shall be submitted for the review and approval of the governing bodies. The governing bodies may require a written assessment of the environmental impact of the proposed sand, gravel or extractive operation and processing.
- I. The location and surfacing of driveways providing access to and egress from the site are subject to the review and approval of the governing bodies.
- J. The site operator shall take all measures necessary to prevent soil, gravel, sand, and other excavation-related materials from getting into public streets or leaving the site via other drainageways.

8.6 FLOODWAY PROTECTION

8.6.1 Dredging, Earth Extraction, Clearing or Grading (Timber Cutting)

- A. Within the floodway, dredging or earth extraction, and clearing of timber or grading shall be limited to the following described distances from the top of the river or stream bank:

Stream Drainage Area (acres)	Distance from Top of Bank
Less than 5,000	50 feet
5,000 to 19,999	100 feet
20,000 to 99,999	200 feet
100,000 or more	250 feet

- B. The following additional standards and submission requirements shall apply:
 1. The proposed land treatment shall not adversely effect adjacent or downstream properties, and shall not adversely affect public facilities or utilities.
 2. To assess the impact on surrounding properties, public facilities and utilities, the following supplemental information shall be submitted:
 - a. Location of all public facilities and utilities on-site and within 100 feet of the site boundaries;
 - b. Existing and proposed contours at two foot intervals;
 - c. Location and description of existing vegetation including that to be removed and preserved.
 - d. Location and type of proposed bank stabilization measures;
 - e. Proposed length of time, and any staging or phasing of the work;
 - f. Type of equipment to be used, and route of access to the area;
 - g. Typical cross-sections at 100 foot intervals of any dredging or excavation and elevation of land area within 100 feet of each side of the excavation.
 - h. The drainage area of the stream or river measured upstream from a point on the stream or river closest to the site.
 - i. Other information relevant to the purposes of this special use permit.
 3. Conditions may be imposed pertaining to limitation of land disturbance activity, final slopes and grades, period of ground cover removal, construction of retaining walls, riprapping, landscaping, drainage facilities, reconstruction of natural storm protection features, and other relevant matters.
 4. A bond to assure that the proposed or conditional protection measures are carried out as planned may also be required.

8.7 STORMWATER MANAGEMENT

The Memphis and Shelby County Storm Water Management Manual is hereby incorporated in this development code by reference. All development shall be subject to this manual, as specified in the manual itself.

Article 9. Infrastructure and Public Improvements

9.1 GENERAL PROVISIONS

9.1.1 Applicability

- A. This Article applies to all development within the City of Memphis and unincorporated Shelby County as set forth in 10.12, Site Plan Review and 10.7, Subdivision Review (see also 10.2, Summary of Review Authority).
- B. Prior to final construction or grading approval, the applicant shall have installed improvements specified in this development code or guaranteed their installation as provided for in this Article.
- C. No municipal services or utilities shall be extended or furnished to any development until the applicant has installed the improvements specified in this development code or guaranteed their installation as provided for this Article.

9.1.2 Variances and Waivers

- A. No variances to the requirements of this Article shall be considered or granted by the Board of Adjustment.
- B. A waiver of a specific requirement may be considered by the governing bodies during the review of a subdivision or other development plan. A recommendation regarding each waiver shall be provided by the City or County Engineer, as appropriate.

9.1.3 Improvements

- A. Engineering plans and specifications shall be in accordance with applicable standards of the City or County pertaining to construction of water, sanitary sewer, paving, drainage, sidewalk, driveways, streets, alleys, culverts, bridge facilities, and any other facilities regulated by City or County ordinances or design standards.
- B. No improvements shall be made until all plans, profiles and specifications have been reviewed and approved by the City, County or other government agency under whose authority is required to approve.
- C. The applicant shall enter into a standard improvement contract to construct at the applicant expense the improvements required in this Article, and other provisions of development code as set forth in this Article.

9.1.4 Easements

Unless otherwise approved or as required by the appropriate utility, easements for utilities shall be a minimum of 16 feet in width. Eight feet of the easement shall be on each side of common lot lines where lot lines abut. On perimeter rear lots, easements shall be a minimum of ten feet in width. Side lot easements, where necessary, shall be a minimum of five feet in width.

9.1.5 Survey Markers and Monuments

- A. In all subdivisions corners are established at the corner of each block in the subdivision consisting of a minimum 12 inch iron rod not less than three-quarter inches in diameter and placed no more than four inches below grade. All lot corners shall be installed prior to the final inspection of the subdivision.
- B. Lot corner markers are placed at all lot corners except corners which are also block corners, consisting of iron rods or pipes of a diameter of not less than one-half inch and no more than six inches from finished grade. All lot corners shall be installed prior to the final inspection of the subdivision.
- C. Curve point markers are established using the same specifications as lot corners. All lot corners shall be installed prior to the final inspection of the subdivision.
- D. A monument may be required by the Planning Director of a type and with necessary identification information as required and in a location as determined. Construction specifications and placement of the monument shall be determined by the City or County Engineer.

9.2 STREETS AND ALLEYS

9.2.1 General

Streets shall be installed by the applicant in accordance with the MPO Long Range Transportation Plan. The applicant shall dedicate the necessary rights-of way as required on the MPO Long Range Transportation Plan.

A. Construction Standards

The standards for construction of pavement on all streets shall be in accordance with the specifications established by the City or County.

B. Variations/Cash Payment

When the construction of improvements at the time of development, in the opinion of the governing bodies, is not desirable, a cash payment in lieu of construction shall be required. The cash payment shall be deposited by the governing bodies in an account for the improvement of the roadway and shall be applied to the cost of such improvements.

9.2.2 Street Dimensional Standards

- A. Dimensional standards for public streets are set forth in 4.2, Public Streets.
- B. Curb and gutter are required on all urban streets as set forth 4.2, Public Streets.
- C. The public dedication of all streets and rights-of-way shall be in fee simple.
- D. Reserve strips controlling access to streets are permitted only when the control of such strip is given to the City or County.
- E. Maintenance of all public rights-of-way between the edge of pavement or back of curb and the subject property shall be the responsibility of the abutting property owner.
- F. Minimum grade for all streets shall be one-half of one percent.
- G. Maximum grade through intersections shall be four percent. The maximum grade shall extend a minimum of 50 feet each direction from the centerline of the intersecting streets.

9.2.3 Alleys and Fire Lanes

- A. The minimum width of an alley right-of-way shall be 20 feet and the minimum pavement width shall be 15 feet.
- B. Alleys shall be provided for nonresidential uses where it is necessary to provide service access, such as access for emergency vehicles, off-street loading and parking consistent with and adequate for the uses proposed.
- C. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement.
- D. Dead-end alleys shall not be allowed.
- E. Alleys shall not access arterial streets.
- F. All alleys shall have a minimum of two direct access points to public streets.
- G. Alleys shall be subject to the block length criteria included in 3.3.1.
- H. Alleys shall be paved and dedicated to the public unless such alleys are part of a private street development as described in 9.2.9.
- I. A fire lane easement a minimum of 24 feet in width shall be provided when required by the Fire Marshal. The fire lane shall remain free of obstructions and provide access to the subdivision at all times.

9.2.4 External Connectivity

- A. Existing streets in adjacent or adjoining areas shall be continued in a new subdivision. Whenever connections to anticipated or proposed surrounding streets are required by this Chapter, the right-of-way shall be extended and the street developed to the property line of the subdivided property (or to the edge of the remaining undeveloped portion of a single tract) at the point where the connection to the anticipated or proposed street is expected. Temporary turnarounds may be required to be constructed at the end of such streets pending their extension when such turnarounds appear necessary to facilitate the flow of traffic or accommodate emergency or service vehicles. No temporary dead-end street shall be permitted in excess of 500 feet unless no other practical alternative is available.

- B.** Subdivisions shall require sufficient external access points to the existing or future roadway network and shall be provided be as follows.
1. Any residential subdivision of greater than 30 lots shall include at least two access points. The second access may consist of stub street.
 2. Any residential subdivision of greater than 75 lots shall include at least two access points. Stub streets shall not be considered part of the two access points.
 3. No more than 75 certificates of occupancy may be issued within the subdivision until the required secondary access has been constructed or bonded for construction.
 4. Residential subdivisions of 250 or more lots shall provide three separate access points. Where three or more access points are required, the Land Use Control Board may waive the requirement for immediate construction of more than two access points, provided that subdivision phasing and design illustrates the additional required connections. For those subdivisions large enough to require a third access, a stub-out street may be credited as a required access if the two functioning access roads are both connected to a collector road.
 5. A waiver of these standards may be allowed by the Land Use Control Board during approval of the preliminary subdivision plat only in extreme cases where limited frontage, natural features (slope, topography), or similar circumstances preclude the required connections and there is no substantial impact noted regarding emergency service delivery.
 6. Where the Land Use Control Board determines it is necessary, a divided entrance shall be required for a subdivision or development. Where a divided entrance is credited as two access points, the divided entrance shall be four travel lanes from the intersection with the major road system to the first intersection within the development.
- C.** Street stubs into adjacent properties shall be required to ensure adequate circulation. All existing stub streets, contiguous to the property, shall be connected to the proposed street system. To reduce the impact of interconnecting the proposed subdivision with the existing stub street, the subdivider shall make every effort to design the proposed subdivision with a street plan or traffic calming devices acceptable to the City or County Engineer. A waiver from these requirements for street stubs shall require a two-thirds vote of the total members of the governing body.

9.2.5 Street Layout

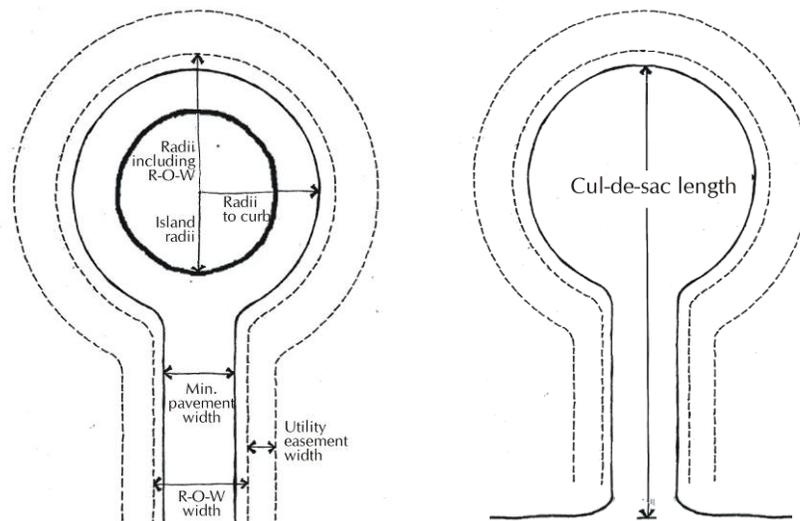
A. General

1. Street alignments shall conform to the alignments shown in the MPO Long Range Transportation Plan.
2. Streets shall be aligned to join with planned or existing streets.
3. Street jogs with centerline offsets of less than 125 feet shall be prohibited. Street offsets shall be approved by the City or County Engineer.
4. Reverse curves on arterials and collectors shall be joined by a tangent a minimum of 100 feet in length.
5. Streets shall be designed to bear a logical relationship to the topography.
6. Intersections shall approximate right angles as closely as possible.
7. Street connections to adjacent properties shall be provided to ensure adequate traffic circulation within the general area.

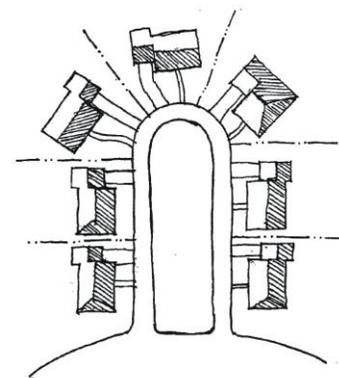
9.2.6 Cul-de-Sacs

A. Any time a cul-de-sac is created, it shall have a landscaped island including at least one canopy tree, and in no case shall exceed the following standards:

STANDARD	WITH ISLAND
Maximum Length	750 ft
Minimum Turnaround Radii (including ROW)	62 ft
Minimum Turnaround Radii (to curb)	54 ft
Minimum pavement width	36 ft
Right-of-way width	50 ft
Utility Easement Width	15 ft
Minimum center island radii	10 ft
Maximum center island radii	20 ft



- B. A cul-de-sac shall terminate with a curbed, permanent turn-around.
- C. Cul-de-sac length shall be measured along the center line of the cul-de-sac from the single point of access at the public right-of-way to the farthest curb at the turnaround.
- D. An unpaved island shall be provided at the center of the turnaround in accordance with the standards in the table in paragraph A above and :
 1. The island shall be surrounded by a 6-30 stand up curb.
 2. The surface of the island shall be landscaped.
 3. The island shall have a minimum radii of ten feet measured to the back of the curb.
 4. The applicant shall provide for perpetual maintenance of the unpaved island through a homeowners association or other acceptable organization.
- E. Permitted alternatives to cul-de-sacs include loop lanes, eyebrows and any similar alternative approved by the Land Use Control Board.



Loop Lane

9.2.7 Dead-End Streets

Dead-end streets shall be prohibited except for short stubs to permit extension. Temporary turnarounds shall be required where the street stub exceeds one lot or 100 feet in length, whichever is greater. The applicant shall provide a sign at the stub declaring that the particular street will connect with future development.

9.2.8 Half Streets

For roads designated as Priority I on the MPO Long Range Transportation Plan, the applicant shall construct not less than 28 feet of pavement when one-half of the design right-of-way is dedicated; and not more than 56 feet of pavement equally divided on either side of a median when the full design right-of-way is dedicated. No improvements are required for roads designated as Priority II or III on the MPO Long Range Transportation Plan except where required for access.

9.2.9 Private Streets

Private streets shall be allowed in a residential subdivision subject to meeting the requirements of this development code and the conditions set forth below.

A. General

1. Private streets shall be the principal access easement between a public street and platted lots that do not abut a public street. Such private streets are not dedicated to the public and shall not be publicly maintained. The term "private street" may include both the pavement and easement areas of streets, alleys or service roads within such development.
2. No part of a private street shall be sold or dedicated to any person other than the City of Memphis or Shelby County.
3. The dimensional standards for a private street shall match the standards listed in subsection (b) above for the most similar street type in terms of expected average daily trips and shall be approved by the City or County Engineer.
4. All private streets shall be constructed to City or County street standards with regard to dimensions, construction standards, inspection and drainage.

B. Access

1. A private street shall be labeled on the plat as an access easement and be assigned a lot and block number from its subdivision.
2. Private streets shall be reserved for use by owners and residents served by such private streets and all governmental entities providing services and regulatory enforcement, as well as private service entities. Access to subdivisions containing private streets may be controlled by 24-hour security guard or a self-activated gate at the entrance. The gate shall be of a breakaway model which will not damage emergency vehicles responding to a call.

C. Front Yards and Lot Widths

All private street access easements shall be treated as public street rights-of-way for purposes of determining required front yard setbacks and lot widths.

D. Maintenance

1. The final plat shall make reference to recorded restrictive covenants that shall:
 - a. Provide for the perpetual maintenance of private streets by a homeowners association to the same standards as connecting public streets for the safe use of persons using the streets;
 - b. State that the City or County has absolutely no obligation or intention to ever accept such streets as public right-of-way; and
 - c. Provide for the event that if the homeowners association defaults, the City or County may provide the required maintenance and assess all property owners the cost of such maintenance.
2. Such covenants as approved shall not be altered without the governing bodies approval.
3. The restrictive covenants shall be recorded prior to the issuance of the first building permit for the subdivision.

E. Future Dedication

Should the lot owners abutting private streets or the homeowners association request the City or County to accept dedication of the private street as a public right-of-way for purposes of maintenance, a condition of such

9.2.10 Conversion of Public Street to Private Street

dedication, shall require that the private street meet all City or County standards and be in satisfactory condition for the safe use of such street by the general public. Any such dedication shall require a right-of-way dedication in accordance with 10.9.

9.2.10 Conversion of Public Street to Private Street

- A. Approval of a right-of-way vacation in accordance with 10.8 shall be required for the conversion of a public street to a private street.
- B. The applicant shall provide liability insurance that guarantees indemnification of and a defense for the City or County should any lawsuit arise from a loss related to the use of the street or other private improvement subsequent to the vacation.
- C. A performance bond or other security satisfactory to the City or County Engineer shall be required to guarantee that a homeowners association shall maintain the streets and other improvements granted to the association. If no formal community association exists in the subdivision, one shall be created.
- D. Street maintenance shall include keeping the street driving surface in a good state of repair. Curbs, gutters, and sidewalks shall be maintained so as to not present a safety hazard.
- E. Unless otherwise required by the Public Works Director, stormwater systems, surface and underground, that collect runoff primarily from the area shall become private.
- F. Facilities, such as streetlights and underground utilities, shall be considered separately and the facility shall remain public if it can be shown it is in the best public interest for the facility to remain public.

9.2.11 Street Bridges

- A. Street bridges shall be constructed to remain out of the 100-year flood event.
- B. Bridges which cross an existing or future trail, shall be constructed to accommodate such trail beneath or on their spans.

9.2.12 Street Names

Street names shall be approved by the City or County. The applicant shall propose street names for new streets which will be considered with respect to the following criteria:

- A. New streets shall be named so as to provide continuity of name with existing streets and so as to prevent conflict with identical or similar names in other parts of the City or County.
- B. Streets lying on approximately the same line shall have the same name unless the intervening space between the separate parts is greater than 2,000 feet.
- C. Street names prefixes or suffixes such as north, south, east, or west shall be used to clarify the general location of the street.

9.2.13 Rural Streets

An alternative street standard in the CA and R-E districts may be considered by the governing body on a case-by case basis where the lots served are two acres in size or greater. The criteria for consideration may include, but are not limited to, number of lots accessed, proposed drainage design, proposed roadway design, and other issues as may be identified by the City or County Engineer.

9.2.14 Sidewalks

- A. Sidewalks shall be installed in accordance with the applicable streetscape plate (see 4.1).
- B. Sidewalks shall be required on both sides of the street.
- C. A waiver of the sidewalk obligation in the CA and R-E districts may be considered on a case-by case basis. The criteria for consideration may include, but are not limited to, density, roadway condition and design, and other issues as may be identified by the Planning Director.
- D. All sidewalks and curb ramps shall be constructed by the developer to meet locally adopted ADA standards.
- E. All required sidewalks shall be constructed prior to the issuance of a certificate of occupancy.

9.2.15 Bikeways

- A. Where provided, bikeways should be designed and located so as to separate bicyclists from other vehicular and pedestrian traffic. Two-way bikeways should be avoided along roadways and shall not be allowed within a roadway.

- B.** Dedication of bicycle facilities shall be in accordance with the Bike Plan; design and construction shall be in accordance with "Guide for Development of Bicycle Facilities" published by AASHTO or as required by the City or County.
- C.** Dimensional standards for public streets that include bike lanes are set forth in 4.2, Public Streets.

9.3 UTILITIES

9.3.1 General

- A. Unless otherwise waived by the governing bodies, all lots within the jurisdiction of the City of Memphis shall be connected to the City water and a public sanitary sewer systems. Any lot that is approved for using septic tanks or private water wells shall meet all requirements of the County and State health department regulations.
- B. The applicant shall pay all costs for connecting to the City system, for the following public utilities, that is complete, in place and ready for service as follows:
 1. Water mains, customer services, meter boxes, valves, fittings, fire hydrants and all appurtenances to make a complete operating water system within the subdivision or other development;
 2. A complete sanitary sewer system including laterals and mains, manholes, clean-outs, customer service wyes, tees, lift stations, force mains, lines, and all appurtenances; and
 3. Stormwater improvements as required or according to plans adopted or under consideration by the City or County.
 4. In the event oversized utilities improvements are required, arrangements for reimbursement shall be made whereby the applicant may be allowed to recover the cost of the utilities or off-site improvements that have been provided by him beyond the needs of his development. The method and time of payment under the reimbursement shall be established in accordance with the City's or County's ordinances and policies relating to the emplacement of such oversized utilities.

9.3.2 Water

A. Water Supply and Fire Protection Standards

1. All lots shall be provided with municipal water supply and distribution systems for fire protection and domestic use. The design of such systems shall be approved and enforced by the City or County Engineer in accordance with the City's or County's Engineering Design Manual.
2. Fire hydrants shall be provided as part of the water distribution system and as required by the City's or County's Engineering Design Manual.

B. Water System Required

Applicants shall be responsible for providing an approved public water supply system consistent with the Growth Plan. Where an approved public water supply or distribution main is within reasonable distance of the subdivision, but in no case less than one-half mile away and connection to the system is both possible and permissible, the applicant shall be required to bear the cost of connecting the subdivision or there development to an existing water supply.

C. General Water System Design

1. The design and construction of the public water system shall comply with regulations covering extension of public water systems adopted by the City or County.
2. Water systems shall be of sufficient size to furnish adequate domestic water supply to furnish fire protection and water services to all lots serviced.
3. Fire flows are required to conform to Insurance Standards Office (ISO) standards. The Fire Marshal shall be responsible for providing required fire flows for distribution to applicants. The Fire Marshal shall be responsible for updating this general listing whenever ISO standards change.

9.3.3 Sanitary Sewer or Septic Systems

A. Sanitary Sewer System Required

An applicant shall be responsible for providing an approved public sanitary sewer system, consistent with the Growth Plan, throughout the entire subdivision or other development such that all lots, parcels, or tracts of land will be capable of connecting to the sanitary sewer system unless otherwise allowed do to site conditions and/or constraints. Connection shall be required for all lots and subdivisions unless otherwise determined by the governing bodies. The design and construction of a public sanitary sewer system shall comply with regulations covering extension of public sanitary sewer systems adopted by the City or County.

B. General Sanitary Sewer System Design

1. All new public sanitary sewer systems shall be designed and constructed to conform with the City's or County's Engineering Design Manual.
2. If lift stations and/or force mains are required, the applicant shall be responsible for installation.

C. Septic Systems

The applicant for any subdivision approval where lots will be served by septic systems shall be required to demonstrate that each lot has adequate and suitable area for a septic system meeting the standards of the County Health Department. Satisfactory demonstration that such area exists shall include the results of a successful percolation ("perc") test.

9.3.4 Other Utilities

- A. Utility services shall be placed underground unless a temporary above-grade connection is approved by the City or County.
- B. The applicant shall make the necessary arrangements including any construction or installation charges with each of the serving utilities for the installation of such facilities and shall be subject to all applicable laws and regulations for their construction. Transformers, switching boxes, terminal boxes, meter cabinets, pedestals, ducts, and other facilities necessarily appurtenant to such underground utilities may be placed above the ground in a location approved by the City or County. Electric transmission and distribution feeder lines and communication long-distance trunk and feeder lines and necessary appurtenances may be placed above the ground. Such facilities shall be placed within easements or public rights-of-way.
- C. Other improvements not specifically mentioned herein but found necessary due to conditions found on the site by the City or County may be required.

9.4 RESERVATION OF PUBLIC LAND

9.4.1 Public Sites and Open Spaces

Where a proposed park, playground, school, or other public use shown in an adopted plan is located in whole or in part in a proposed subdivision, the governing bodies may require the reservation of such lands. Such reservation shall continue in effect for a period of not more than one year from the date of approval of the preliminary plan. This reservation period may be extended for an additional year upon submission of a letter to the governing bodies of intent to purchase by the appropriate governmental agency. Further extensions may be permitted upon mutual agreement between the subdivision owner and the governing bodies, each of which shall not exceed two years.

9.4.2 Termination

The reservation may be terminated upon notice from the appropriate governmental agency stating that the property may be released for development.

9.4.3 Other Areas

The governing bodies upon consideration of the particular type of development proposed, and particularly in large scale developments not anticipated in an adopted plan, may require the reservation of other lands the extent, character and location suitable to the needs created by such development for schools, parks and other public purposes. Such reservations shall be subject to the time period requirements of 9.4.1.

9.5 PUBLIC IMPROVEMENTS

9.5.1 General

No improvements shall be made until all plans, profiles and specifications have been reviewed and approved by the City or other government agency whose authority is required to approve the improvements. All improvements shall meet the requirements of the City's or County's Engineering Design Manual.

9.5.2 Submission

- A.** Engineering plans shall be submitted to the Planning Director for review and shall be prepared in accordance with the design standards and specifications of the City or County. The plans, when signed by the City or County, shall become permanent records and the property of the City or County.
- B.** The City or County may from time to time publish design standards and policies which will form the basis of review. Additional required data may include but not be limited to:
 - 1. The applicant shall submit along with his construction plans a drainage area map showing the subject property and all surrounding contributory drainage areas. Included on this map shall be grading and drainage information pertaining to any existing adjacent developments, design flow rates and supporting hydrologic and hydraulic data where applicable.
 - 2. The applicant shall submit evidence, along with the construction plans, that sanitary sewer service has been extended through the project, all the way to the project boundaries, to serve all upstream drainage basins.

9.5.3 Installation

Improvements shall be construed in accordance with the City or County construction standards and specifications.

A. Acceptance

Any improvements constructed by the applicant shall not be officially accepted until final inspection and approval has been made by the City or County, the appropriate warranty surety has been provided, and the governing bodies have approved a resolution accepting the improvements.

B. Warranty

Warranty of all improvements shall be the responsibility of the applicant until acceptance by the governing bodies.

9.5.4 Required Hydrologic and Hydraulic Plans

If a proposed subdivision is equal to or greater than five acres or 50 lots and is to be located partially or completely in a special flood hazard area (A Zone) where no water surface elevation data or floodway has been produced by the City or County Flood Insurance Study, the applicant shall submit detailed hydrologic and hydraulic plans prepared by a registered professional engineer which shall define the expected 100 year flood elevations throughout the site of the proposed development.

9.5.5 Standard Improvement Contract

A. Required

A standard improvement contract shall be executed between the applicant and the City or County when improvements, as described in this development, are required. The applicant shall provide the improvements as specified in the contract.

B. Expiration/Extension

- 1. If the applicant, due to unforeseen circumstances, is unable to complete all improvements required under the contract in the time specified, the applicant shall submit a written request for extension of the contract period at least 60 days prior to the expiration of the existing contract for City/County contracts, or 35 days for City or County only contracts.
- 2. The request shall specify the reason for failure to complete the work as agreed, and a prospective date for such completion. Requests for extensions shall be approved or rejected by the governing bodies.
- 3. If a security has been provided to insure performance of the improvements specified under the contract and the security is inadequate to cover the cost of said uncompleted improvements at the time the extension is sought, the applicant shall provide additional security to cover current cost projections as made by the City or County.

4. Failure to follow this extension procedure constitutes a breach of the contract and places the applicant in violation of the subdivision regulations.

C. Property Transfer/Assumption Contract

1. Prior to transferring the rights and obligations of all or a portion of a standard improvement contract, the applicant shall notify the Planning Director when the transfer is to occur and the name and address of the transferee.
2. The applicant shall provide the Planning Director with an assumption agreement by which the transferee agrees to perform the work required under the standard improvement contract and to provide security needed to assure such performance. Said assumption agreement shall be subject to the review of the respective City or County Attorney and subject to the approval of the governing bodies.

D. Assurances

To assure performance of the standard improvement contract provisions for required improvements, the applicant shall select one of the following methods:

1. Bond

The applicant shall submit a security deposit in the form of a performance bond, a cash deposit, a certificate of deposit, or irrevocable/automatically renewable letter of credit for 100% of the costs of improvements as computed by the respective City or County.

a. Recordation of Plat

The final plat shall be recorded in the Shelby County register's office following legislative approval of the plat and the contract by the governing bodies. Building permits may be issued after recordation of the plat

b. Release of Bond

The security posted by the applicant shall not be released until the City or County has inspected all of the improvements, and all improvements have been satisfactorily completed in accordance with the contract and engineering plans, and the governing bodies has accepted the completed improvements as outlined in 9.5.3.

c. Bond Reduction

The City or County may approve a reduction in the amount of the bond as improvements are made and inspected, but in no case shall the bond be less than ten percent of the estimated costs of improvements.

d. Proof of Liability

The applicant shall provide proof of liability insurance until the subdivision is officially accepted by the governing bodies. In the event of premature expiration of liability, a certificate of renewal shall be provided 30 days prior to expiration of the liability insurance.

2. No Bond

The applicant may begin installation of required improvements subsequent to the conditional final plat approval and contract approval by the governing bodies and approval of engineering plans by the City or County. Planning Director shall not record the final plat, no building permits shall be issued, and no lots shall be sold until all improvements have been installed to the specifications of the City or County, and accepted by the governing bodies.

E. Conversion Procedures; No Bond to Bond

A subdivision being developed under the no bond procedure may be converted to a bonded subdivision by submission of appropriate documents and security as specified under the bonding procedure. A conversion may be permitted upon approval of the security deposit without additional approval of the governing bodies. The final plat may then be recorded, lots sold and building permits issued in accordance with the provisions of a bonded subdivision.

Article 10. Administration

10.1 REVIEW BODIES

10.1.1 Governing Bodies

A. Defined

The governing bodies identified as having authority to enforce certain provisions of this development code are the:

1. Memphis City Council established pursuant to the City Charter (herein after referred to as the City Council); and
2. Shelby County Board of Commissioners established pursuant to the County Charter and Chapter 4 of the County Code (herein after referred to as the Board of Commissioners).

B. General Authority

The governing bodies may exercise additional powers as may be described elsewhere in this development code and as permitted by the City or County Code of Ordinances.

C. Final Authority

With respect to this development code, the governing bodies shall be responsible for final action regarding:

1. Text amendments;
2. Zoning changes;
3. Special use review;
4. Final plat review;
5. Right-of-way vacation;
6. Right-of-way dedication;
7. Street name change;
8. Plat of record revocation;
9. Major site plan review; and
10. Historic district designation.

10.1.2 Land Use Control Board

A. Establishment

The Land Use Control Board is established pursuant to Joint Ordinance-Resolution No. 2524 (see Chapter 26, Article II of the Memphis City Code).

B. General Authority

1. The Land Use Control Board shall perform related duties as directed by the governing bodies.
2. The Land Use Control Board may exercise additional powers as may be described elsewhere in this development code and as permitted by the City or County Code of Ordinances.

C. Review Authority

With respect to this development code, the Land Use Control Board shall review and make recommendations regarding:

1. Text amendments;
2. Zoning changes;
3. Special use review;
4. Right-of-way vacation;
5. Right-of-way dedication;
6. Street name change;
7. Plat of record vacation;
8. Major site plan review; and
9. Historic district designation.

D. Final Authority

With respect to this development code, the Land Use Control Board shall be responsible for final action regarding:

1. Major preliminary plan review; and
2. Special exception review.

10.1.3 Board of Adjustment

A. Establishment

The Board of Adjustment is established pursuant to Joint Ordinance-Resolution No. 722 (see Chapter 26, Article II of the Memphis City Code).

B. General Authority

1. The Board of Adjustment shall perform related duties as directed by the governing bodies.
2. The Board of Adjustment may exercise additional powers as may be described elsewhere in this development code and as permitted by the City or County Code of Ordinances.

C. Final Authority

With respect to this development code, the Board of Adjustment shall be responsible for final action regarding:

1. Variances;
2. Administrative appeals; and
3. Interpretation of zoning district boundaries.

10.1.4 Landmarks Commission

Editor's Note: *Added County Landmarks Commission*

A. Defined

The Landmarks Commission identified as having authority to enforce certain provisions of this development code are the:

1. Memphis Landmarks Commission; and
2. Shelby County Landmarks Commission.

B. Establishment

The Landmarks Commission shall serve as a historic zoning commission pursuant to Tennessee Code 13-7-403 for the City of Memphis (see Chapter 26, Article IV of the City Code) and unincorporated Shelby County (**County Code reference**).

C. General Authority

The Landmarks Commission shall conduct and encourage research, planning and educational projects for the purpose of protecting historic districts and documenting the historic significance thereof, including the following:

1. Recommend to the governing bodies designated sites and districts for loans and grants under the City/County Landmark Fund and subject to approval by the governing bodies, make application for and administer grants for the purpose of preserving and restoring structures and sites located within an Historic Overlay District.
2. Initiate or assist in surveys, plans and studies and programs designed to identify, list and evaluate structures, objects, sites and areas worth of preservation and develop strategies and methods for their protection.
3. Consult with and consider the recommendations of civic groups, public agencies and citizens interested in historic preservation and provide information to the public.
4. Research historic properties and apply for designation to the National Register of Historic Places and establish a list of properties eligible for designation as an Historic Overlay District.

D. Review Authority

With respect to this development code, the Landmarks Commission shall review and make recommendations regarding rezoning to an Historic Overlay District.

E. Final Authority

With respect to this development code, the Landmarks Commission shall be responsible for final action regarding applications for certificate of appropriateness.

F. Administrative Appeal

With respect to this development code, the Landmarks Commission shall be responsible for final action regarding appeals against the Planning Director's determination of demolition by neglect.

10.1.5 Center City Design Review Board**A. Establishment**

The Center City Design Review Board is established pursuant to Chapter 7, Article V, subsection 7-92(6) of the Memphis City Code.

B. General Authority

1. The Center City Design Review Board shall perform related duties as directed by the City Council.
2. The Center City Design Review Board may exercise additional powers as may be described elsewhere in this development code and as permitted by the City Code of Ordinances.

C. Final Authority

With respect to this development code, the Center City Design Review Board shall be responsible for reviewing applications and issuing permits with respect to the design of public building façades and exteriors in public view, signs and other public improvements within the Central Business Improvement District.

10.1.6 Planning Director**A. Delegation of Authority**

The Planning Director may designate any staff member to represent the Planning Director in any function assigned by this development code. The Planning Director shall remain responsible for any final action.

B. General Authority

1. The Planning Director shall perform related duties as directed by the governing bodies.
2. The Planning Director may exercise additional powers as may be described elsewhere in this development code and as permitted by the City or County Code of Ordinances.

C. Review Authority

With respect to this development code, the Planning Director shall review and make recommendations regarding:

1. Text amendments;
2. Zoning changes;
3. Special use review;
4. Major preliminary plan review;
5. Final plat review;
6. Right-of-way vacation;
7. Right-of-way dedication;
8. Street name change;
9. Plat of record vacation;
10. Major site plan review;
11. Special exception review;
12. Historic district designation; and
13. Certificates of appropriateness.

D. Final Authority

With respect to this development code, the Planning Director shall be responsible for final action regarding:

1. Minor preliminary plan review;
2. Minor site plan review;
3. Tree removal;
4. Demolition by neglect; and
5. Administrative deviations.

10.1.7 Building Official

A. Delegation of Authority

The Building Official may designate any staff member to represent the Building Official in any function assigned by this development code. The Building Official shall remain responsible for any final action.

B. General Authority

1. The Building Official shall perform related duties as directed by the governing bodies.
2. The Building Official may exercise additional powers as may be described elsewhere in this development code and as permitted by the City or County Code of Ordinances.

C. Final Authority

With respect to this development code, the Building Official shall be responsible for final action regarding the following:

1. Temporary use review;
2. Sign permit;
3. Certificate of occupancy; and
4. Written interpretations.

10.1.8 Technical Review Committee

The Technical Review Committee is comprised of City and County agencies and is established to provide technical assistance in the review of certain provisions of this development code as set forth below.

A. Composition

The Technical Review Committee shall consist of a representative from the following. The Planning Director shall serve as chairman of the Technical Review Committee and shall be responsible for all final recommendations.

1. Department of Planning and Development – Land Use Controls.
2. Department of Planning and Development – Comprehensive Planning.
3. Department of Construction Code Enforcement.
4. City Traffic Engineer.
5. City and County Public Works Divisions.
6. City and County Engineering Divisions.
7. City and County Fire Departments.
8. Memphis and Shelby County Health Department.
9. Memphis Light, Gas, and Water Division.

B. Review Authority

With respect to this development code, the Technical Review Committee shall review and make recommendations regarding the following:

1. Major and minor preliminary plan review;
2. Final plat review;
3. Right-of-way vacation;
4. Right-of-way dedication;
5. Street name change;
6. Plat of record vacation;
7. Major and minor site plan review;
8. Special exception review; and
9. Special use review

10.2 SUMMARY OF REVIEW AUTHORITY

10.2.1 Authority

The following table summarizes the required review and approval authority provided under this development code. Appeals to decisions shall be made as set forth below (see 10.22). Action by the Landmarks Commission, Board of Adjustment, and governing bodies may be taken in accordance with Title 27 of the Tennessee Code.

	Governing Bodies	Land Use Control Board	Board of Adjustment	Landmarks Commission	Planning Director	Building Official	Technical Review Committee	
Text Amendment	[decision]	[review]			review			10.4
Zoning Change	[decision]	[review]			review			10.5
Special Use Review	[decision]	[review]			review		review	10.6
Planned Development Review	[decision]	[review]			review		review	10.6
Minor Preliminary Plan			[appeal]		decision		review	10.7.6
Major Preliminary Plan	[appeal]	[decision]			review		review	10.7.7
Final Plat	decision				review		review	10.7.8
Right-of-Way Vacation	[decision]	[review]			review		review	10.8
Right-of-Way Dedication	[decision]	[review]			review		review	10.9
Street Name Change	[decision]	[review]			review		review	10.10
Plat of Record Revocation	[decision]	[review]			review		review	10.11
Minor Site Plan			[appeal]		decision		review	10.12
Major Site Plan	[decision]	[review]			review		review	10.12
Special Exception Review		[decision]			review		review	10.13
Temporary Use Review			[appeal]			decision		10.14
Tree Removal			[appeal]		decision			10.15
Sign Permit			[appeal]			decision		10.16
Common Signage Plan			[appeal]		decision			10.17
Certificate of Occupancy			[appeal]			decision		10.18
Historic District Designation	[decision]	[review]		[review]	review			6.3.2
Certificate of Appropriateness				decision	review			6.3.3
Demolition by Neglect			[appeal]		decision			6.3.4
Written Interpretations			[appeal]			decision		10.19
Administrative Deviation			[appeal]		decision			10.20
Variance			[decision]					10.21

[public hearing required]

Editor's Note: Add Center City Design Review Board ??

10.2.2 Governing Bodies

Unless set forth below, the City Council retains review and approval authority within the City limits of Memphis and the Board of Commissioners retains review and approval authority within unincorporated Shelby County.

	Within City Limits	Within 5-Mile Limit	Beyond 5-Mile Limit	
Zoning Change	Council	Council/Commission	Commission	10.5
Special Use Review	Council	Council/Commission	Commission	10.6
Planned Development Review	Council	Council/Commission	Commission	10.6
Major Site Plan	Council	Council/Commission	Commission	10.12
Historic District Designation	Council	Council/Commission	Commission	6.3.2

	Within City Limits	Within 3-Mile Limit	Beyond 3-Mile Limit	
Minor Preliminary Plan	Council	Council/Commission	Commission	10.7.6
Major Preliminary Plan	Council	Council/Commission	Commission	10.7.7
Final Plat	Council	Council/Commission	Commission	10.7.8

10.2.3 Landmarks Commission

The Memphis Landmarks Commission retains review and approval authority within the City limits of Memphis and the Shelby County Landmarks Commission retains review and approval authority within unincorporated Shelby County.

10.3 COMMON REVIEW PROCEDURES

10.3.1 Pre-Application Conference

- A. Before submitting an application for development approval, an applicant may schedule a pre-application conference with the Planning Director to discuss the procedures, standards and regulations required for approval in accordance with this development code.
- B. A mandatory pre-application conference with the Planning Director shall be required for the following:
 - 1. Zoning changes;
 - 2. Special use review;
 - 3. Subdivision review;
 - 4. Site plan review;
 - 5. Historic district designation; and
 - 6. Certificate of appropriateness.

10.3.2 Neighborhood Meeting

Editor's Note: *New provision*

- A. After the pre-application conference and prior to final acceptance of an application by the Planning Director, the applicant shall hold a mandatory neighborhood meeting for the following:
 - 1. Zoning changes not in compliance with any applicable adopted plan (see 1.6); and
 - 2. Special use review.
- B. Only the initial application for special use review shall require a neighborhood meeting. Subsequent applications for subdivision or site plan review do not require further neighborhood meetings.
- C. The purpose of the neighborhood meeting shall be to inform the neighborhood of the nature of the proposed land use and development features and solicit comments.
- D. The applicant shall provide notice by mail in accordance with 10.3.4D and 10.3.4E of the proposed neighborhood meeting. Such notice shall be mailed not more than 30 days or less than ten days prior to the date of the meeting.
- E. The applicant shall prepare and submit to the Planning Director a meeting summary that outlines attendance, major points discussed, and any agreements reached between the parties involved.
- F. The Planning Director may develop administrative rules pertaining to any additional requirements for the conduct of the meeting.

10.3.3 Application Requirements

A. Initiation of Request

A request for development approval may be initiated in accordance with the following.

	Agent/ Owner/ Applicant	Body/ Board/ Staff
Text Amendment		■
Zoning Change	■	■
Special Use Review	■	
Planned Development Review	■	
Minor Preliminary Plan	■	
Major Preliminary Plan	■	
Final Plat	■	
Right-of-Way Vacation	■	■
Right-of-way Dedication	■	
Street Name Change	■	■
Plat of Record Revocation	■	■
Minor Site Plan	■	
Major Site Plan	■	
Special Exception Review	■	
Temporary Use Review	■	
Tree Removal	■	
Sign Permit	■	
Common Signage Plan	■	
Certificate of Occupancy	■	
Historic District Designation	■	■
Certificate of Appropriateness	■	
Demolition by Neglect		■
Written Interpretations	■	
Administrative Deviation	■	
Variance	■	
Appeals	■	

B. Submittals

Applications required under this development code shall be filled with the Division of Planning and Development in accordance with the following.

	Planning Director	Building Official
Text Amendment	■	
Zoning Change	■	
Planned Development Review	■	
Minor Preliminary Plan	■	
Major Preliminary Plan	■	
Final Plat	■	
Right-of-Way Vacation	■	
Right-of-way Dedication	■	
Street Name Change	■	
Plat of Record Revocation	■	
Minor Site Plan	■	
Major Site Plan	■	
Special Exception Review	■	
Special Use Review	■	
Temporary Use Review		■
Tree Removal	■	
Sign Permit		■
Common Signage Plan		■
Certificate of Occupancy		■
Historic District Designation	■	
Certificate of Appropriateness	■	
Demolition by Neglect	■	
Written Interpretations		■
Administrative Deviation	■	
Variance	■	
Appeals	■	

Editor’s Note: All technical submittal requirements in appendix.

C. Forms

Applications required under this development code shall be submitted on forms and in such numbers as required by the Division of Planning and Development.

D. Fees

Filing fees shall be established from time to time to defray the cost of processing the application, as listed with the Division of Planning and Development and adopted by the governing bodies. Before review of an application, all associated fees shall be paid in full.

E. Applications Sufficient for Processing

1. All applications shall be sufficient for processing before the Planning Director/Building Official is required to review the application.
2. An application shall be sufficient for processing when it contains all of the information necessary to decide whether or not the development as proposed will comply with all of the requirements of this development code.

3. The presumption shall be that all of the information required in the application forms is necessary to satisfy the requirements of this Chapter. However, it is recognized that each application is unique, and therefore more or less information may be required according to the needs of the particular case. The applicant may rely on the recommendations of the Planning Director/Building Official as to whether more or less information should be submitted.
4. Once the application has been determined sufficient for processing, copies of the application shall be referred by the Planning Director/Building Official to the reviewing entities.
5. The Planning Director/Building Official may require an applicant to present evidence of authority to submit the application.

F. Application Deadline

Applications sufficient for processing shall be submitted in accordance with the published calendar schedule. Schedules indicating submittal dates shall be developed each year and made available to the public.

G. Staff Consultation after Application Submitted

1. Upon receipt of an application sufficient for processing, the Planning Director/Building Official shall review the application and confer with the applicant to ensure an understanding of the applicable requirements of this development code; that the applicant has submitted all of the information they intend to submit; and that the application represents precisely and completely what the applicant proposes to do.
2. Once the applicant indicates that the application is as complete as the applicant intends to make it, the application shall be placed on the agenda of the appropriate review board in accordance with standard procedures. However, if the application is determined incomplete, a recommendation to deny the application on that basis shall be provided to the appropriate reviewing entity.

H. Concurrent Applications

1. Applications may be filed and reviewed concurrently, at the option of the applicant. Any application that also requires a variance shall not be eligible for final approval until the variance has been granted.
2. Applications submitted concurrently are subject to approval of all other related applications; denial or disapproval of any concurrently submitted application shall stop consideration of any related applications until the denied or disapproved application is resolved.

10.3.4 Public Hearings and Notification

Editor's Note: Public notification requirements changed!

A. Required Hearings and Notification

A public hearing shall be required and notification shall be given as shown below.

	Public Hearing				Public Notice		
	Governing Bodies	Land Use Control Board	Board of Adjustment	Landmarks Commission	Posted	Mailed	Published
Text Amendment	■	■					■
Zoning Change	■	■			■	■	■
Comprehensive Rezoning	■	■			■	■	■
Special Use Review	■	■			■	■	■
Planned Development Review	■	■			■	■	■
Major Preliminary Plan		■				■	■
Right-of-Way Vacation	■	■			■	■	■
Right-of-Way Dedication	■	■				■	■
Street Name Change	■	■				■	■
Plat of Record Revocation	■					■	■
Major Site Plan	■	■			■	■	■
zSpecial Exception Review		■			■	■	■
Historic District Designation	■	■		■	■	■	■
Variance			■			■	■
Administrative Appeal			■			■	■

■ = public hearing/notice required blank cell = no hearing/notice required

B. Published Notice

Where published notice is required, a distinctive advertisement shall be placed by the Planning Director in a local newspaper of general circulation in the City of Memphis and Shelby County not more than 30 or less than ten days prior to the date of the public hearing.

C. Posted Notice (Sign)

1. Sign Size and Type

Each sign shall be made to standards and specifications as provided by the Planning Director. Signs required by these regulations are not subject to any sign permit fees.

2. Location

a. Zoning Change, Planned Development, Special Use, Site Plan

Signs shall be posted at the nearest right-of-way with the largest traffic volumes as determined by the Planning Director. Each sign shall be placed no closer than five feet from the right-of-way visible from each public street on which the subject property has frontage and placed outside the sight distance triangle. Additional signs may be required to be posted at each major roadway entrance to the development or as otherwise determined to be needed by the Planning Director.

b. Comprehensive Rezoning

A sign shall be posted at each major roadway entrance to any area being comprehensively rezoned as determined by the Planning Director.

c. Right-of-Way Vacation

A sign shall be posted at each end of the right-of-way to be vacated.

3. Responsibility for Installation and Removal

- a. The applicant shall be solely responsible for signage installation and removal and associated costs.
- b. Signs shall be erected not more than 30 or less than ten days prior to the date of the public hearing. The applicant shall submit a signed affidavit stating that the signs were installed and the date and posting of the property.
- c. Signs shall be removed within 14 days following final action by the governing bodies.

D. Mailed Notice

- 1. Where mailed notice is required, notification shall be mailed not more than 30 or less than ten days prior to the date of the public hearing to property owners as set forth below.

	Subject Property Owners	Abutting Owners	Owners Within 500 ft. Radius*
Zoning Change		■	■
Comprehensive Zoning Change	■	■	
Special Use Review		■	■
Planned Development Review		■	■
Major Preliminary Plan		■	
Right-of-Way Vacation		■	
Right-of-Way Dedication		■	
Street Name Change	■	■	
Plat of Record Revocation		■	
Major Site Plan		■	■
Special Exception Review		■	■
Historic District Designation	■	■	
Variance		■	■
Administrative Appeal	■		

** If the 500-foot radius includes less than 25 property owners, the radius shall be extended at 100-foot intervals to reach a minimum of 25 property owners, provided, however, that the maximum total radius is 1,500 feet.*

E. Content of Notice

The notice listed above shall contain the following specific information.

1. Published or Mailed Notice

A published or mailed notice shall provide at least the following:

- a. A case number;
- b. The address of the subject property (if available);
- c. The general location of the land that is the subject of the application, which may include, a location map
- d. A description of the action requested;
- e. Where a zoning change is proposed, the current and proposed districts;
- f. The time, date and location of the public hearing (or neighbor meeting if applicable);
- g. A phone number to contact the Planning Director; and
- h. A statement that interested parties may appear at the public hearing.

2. Posted Notice

Required posted notices shall indicate the following:

- a. A case number;
- b. Type of action; and
- c. A phone number to contact the Planning Director; and

- d. All signs shall include language stating that defacing or removal of the sign by anyone other than the owner or his agent is an illegal act and the person who defaces or removes the sign without permission of the owner will be penalized.

F. Constructive Notice

1. Minor defects in notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements.
2. Undelivered mailed notice in excess of 25% of total mailing shall constitute failed notice and shall serve to invalidate proceedings unless sufficient notice is provided in accordance with this section.
3. Where notice to an individual owner within a condominium development is returned undelivered, it shall not invalidate the proceedings where notice to the condominium association was successfully received.

10.3.5 Decisions

Unless specifically provided elsewhere, all decisions on land use changes, including a zoning change, shall require an affirmative vote. Tie votes shall be considered denials of any requested change.

10.3.6 Notice of Decision

Within 21 days after a decision is made, a copy of the decision shall be sent to the applicant and filed with the Planning Director, where it shall be available for public inspection during regular office hours.

10.3.7 Withdrawal of Application

- A. An applicant may withdraw an application at any time, by filing a statement of withdrawal with the Planning Director/Building Official.
- B. The statement of withdrawal shall be signed by all persons who signed the application, or in the event of death or incompetence, by the estate's lawful personal representative.
- C. If a valid zoning protest petition has been filed, the application may be withdrawn only if the statement of withdrawal is filed no later than five days prior to the date of the public hearing upon which the matter is to be returned for action by the governing bodies. Thereafter, the application may be withdrawn only by action of the governing bodies, by majority vote.
- D. The Planning Director/Building Official may withdraw applications due to the failure of the applicant to submit required information within 90 days of the initial request.
- E. An applicant may postpone a scheduled public hearing once per application for up to 90 days after the date the first public hearing was scheduled to occur, after which the Planning Director/Building Official may withdraw the application.

10.4 TEXT AMENDMENT

10.4.1 Applicability

The governing bodies shall consider amendments to the text of this development code in accordance with the provisions of this Chapter, as set forth below.

10.4.2 Application Requirements

An application for a text amendment shall be submitted in accordance with 10.3.3, Application Requirements.

10.4.3 Planning Director Action

- A. The Planning Director shall draft the appropriate text amendment and prepare a staff report that reviews the proposed amendment setting forth the purpose and reason for such an amendment.
- B. Following completion of technical review by staff, the Planning Director shall forward the completed request and any related materials to the Land Use Control Board.

10.4.4 Land Use Control Board Action

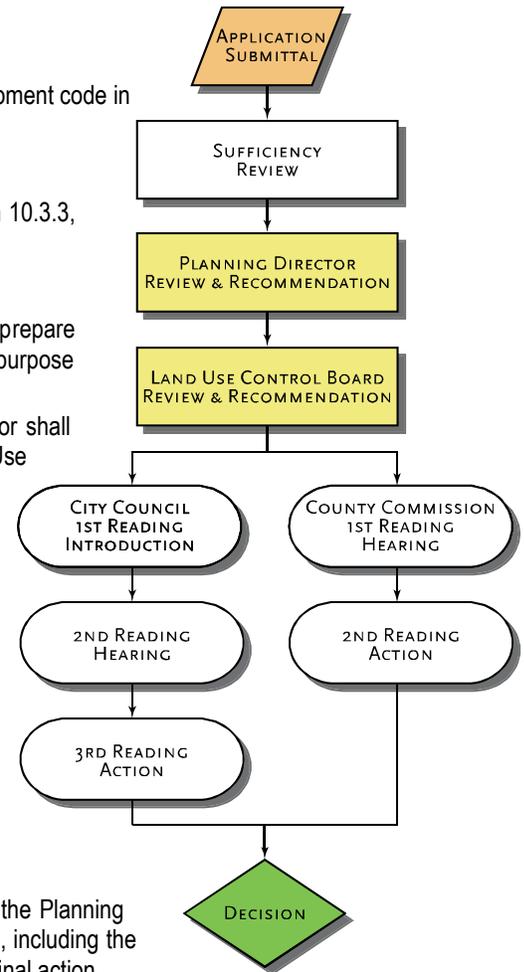
- A. Not less than 35 or more than 75 days after an application has been determined complete, the Land Use Control Board shall hold a public hearing and give notice in accordance with 10.3.4, Public Hearings and Notification.
- B. The Land Use Control Board shall make a recommendation on the request for a text amendment after deliberation and prior to the close of the public hearing. The Land Use Control Board may, prior to the close of the public hearing, defer a decision until the next regular meeting of the Board, at which it shall act.

10.4.5 Governing Body Action

- A. Within 21 days following the Land Use Control Board public hearing, the Planning Director shall forward the completed request and any related materials, including the Land Use Control Board recommendation, to the governing bodies for final action.
- B. The governing bodies shall hold a public hearing and give notice in accordance with 10.3.4, Public Hearings and Notification, on the proposed text amendment after the receipt of the recommendations of the Land Use Control Board, and if applicable, the Planning Director. The City Council public hearing shall be held at the time of second reading, and the public hearing may be held before both the governing bodies in joint session.
- C. The governing bodies may approve the text amendment, deny the text amendment, or defer decision until the next regular meeting of the governing bodies.

10.4.6 Approval Criteria

- A. In evaluating any proposed amendment of the text of this development code, the Land Use Control Board and the governing bodies shall consider the following:
 - 1. The extent to which the proposed text amendment is consistent with the remainder of the development code, including, specifically, any purpose and intent statements;
 - 2. The extent to which the proposed text amendment represents a new idea not considered in the existing development code, or represents a revision necessitated by changing circumstances over time;
 - 3. Whether or not the proposed text amendment corrects an error in the development code; and
 - 4. Whether or not the proposed text amendment revises the development code to comply with state or federal statutes or case law.
- B. In deciding whether to adopt a proposed text amendment to this development code, the central issue before the governing bodies is whether the proposed text amendment advances the public health, safety or welfare and is consistent with the purpose and intent of this development code.



10.5 ZONING CHANGE

10.5.1 Applicability

The governing bodies shall consider amendments to the Zoning Map in accordance with the provisions of this Chapter, as set forth below. Amendments to the Zoning Map include the application of a specified frontage, whether it occurs as part of a modification of underlying zoning or as its own zoning change. Amendments also include modifications to any adopted height map, or the initial imposition of a height map where no height map currently exists.

10.5.2 Zoning Change Requirements

- A.** A zoning change should correspond with the boundary lines of existing platted lots or tracts. Where the boundaries of a zoning change request stop short of an exterior property line, it must be possible to subdivide and develop that portion of the property outside the proposed zoning change boundary in accordance with the existing zoning and other requirements of this development code.
- B.** All zoning requirements shall be met within the boundaries of the area being rezoned. If all of the requirements cannot be met on the site being rezoned, the zoning change shall be expanded to include all property necessary to meet zoning requirements.

10.5.3 Pre-Application Conference

An applicant petitioning for a zoning change shall schedule a pre-application conference in accordance with 10.3.1.

10.5.4 Neighborhood Meeting

An applicant petitioning for a zoning change not in compliance with any applicable adopted plan (see 1.6) shall hold a neighborhood meeting in accordance with 10.3.2.

10.5.5 Application Requirements

An application for a zoning change shall be submitted in accordance with 10.3.3, Application Requirements.

10.5.6 Planning Director Action

- A.** The Planning Director shall prepare a report that reviews the zoning change request in light of any applicable adopted plan (see 1.6) and the general requirements of this development code.
- B.** Following completion of technical review by staff, the Planning Director shall forward the completed request and any related materials to the Land Use Control Board.

10.5.7 Land Use Control Board Action

A. Procedure

1. Not less than 35 or more than 75 days after an application has been determined complete, the Land Use Control Board shall hold a public hearing and give notice in accordance with 10.3.4, Public Hearings and Notification.
2. The Land Use Control Board shall make a recommendation on the request for a zoning change after deliberation and prior to the close of the public hearing. The Land Use Control Board may, prior to the close of the public hearing, defer the decision until the next regular meeting of the Board, at which they shall act.

B. Review Criteria

In making recommendations, the Land Use Control Board shall consider the following matters:

1. Consistency with any applicable adopted plan (see 1.6);
2. Compatibility with the present zoning (including any residential corridor overlay district) and conforming uses of nearby property and with the character of the neighborhood;
3. Suitability of the subject property for uses permitted by the current versus the proposed district;
4. Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the City or County; and
5. The availability of adequate school, road, park, wastewater treatment, water supply and stormwater drainage facilities for the proposed use.

10.5.8 Governing Body Action

A. Procedure

1. Within 21 days following the Land Use Control Board public hearing, the Planning Director shall forward the completed request and any related materials, including the Land Use Control Board recommendation, to the governing bodies for final action.
2. The governing bodies shall hold a public hearing and give notice in accordance with 10.3.4, Public Hearings and Notification, on the proposed zoning change after the receipt of the recommendations of the Land Use Control Board, and if applicable, the Planning Director.
3. The City Council public hearing shall be held at the time of second reading, and the public hearing may be held before both governing bodies before a joint session when the application involves property located in an unincorporated area of Shelby County within five miles of Memphis City limits.
4. The governing bodies may approve the zoning change, deny the zoning change, or defer decision until the next regular meeting of the governing bodies.

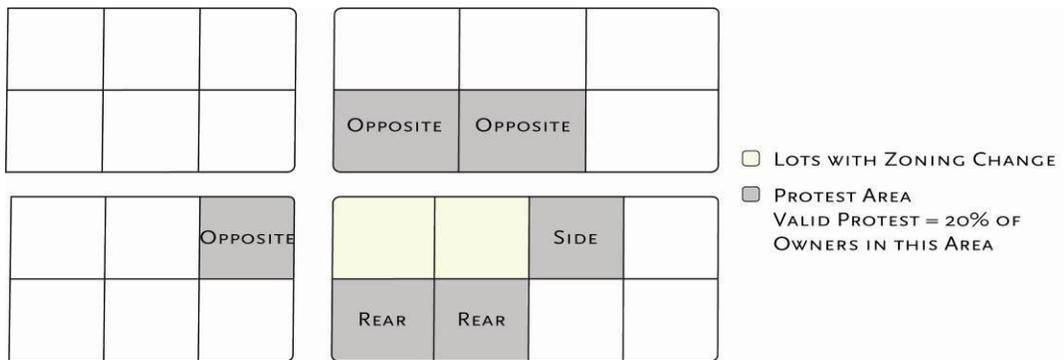
B. Approval Criteria

In approving a zoning change, the governing bodies shall consider the following matters:

1. The zoning change is in agreement with any applicable adopted plan (see 1.6);
2. It has been determined that the legal purposes for which zoning exists are not contravened;
3. It has been determined that there will be no adverse effect upon adjoining property owners unless such effect can be justified by the overwhelming public good or welfare; and
4. It has been determined that no one property owner or small group of property owners will benefit materially from the change to the detriment of the general public.

10.5.9 Protest to Zoning Change

- A. If a petition opposing a zoning change is filed in accordance with the provisions of this section, then the proposed zoning change may be approved only by a favorable vote in accordance with the following:
 1. At least two-thirds vote by the City Council for property within the Memphis City limits; or
 2. At least four-fifths vote by the Board of Commissioners for property within unincorporated Shelby County within five miles of the Memphis City limits.
- B. To prompt the additional voting requirements outlined above, the petition must:
 1. Be signed by the owners of 20% or more of the area either of:
 - a. The lots either side or to the rear of the subject tract; or
 - b. The lots directly opposite the subject tract.



2. Be a written petition actually bearing the signatures and addresses of the requisite number of property owners and stating that the signers do protest the proposed change.
3. Be received at least ten days after the last date notice of the public hearing before the governing bodies on the proposed zoning change is published.

10.5.10 Modification of Application

An applicant in a zoning matter may reduce the geographic scope and range of permitted uses or propose a district of lower density or intensity from that requested in the application by filing a statement of modification with the Planning Director.

10.5.11 Time Lapse between Applications

- A. In the event of a withdrawal of an application prior to action by the governing bodies, no application may be filed requesting the rezoning of any parcel contained in the withdrawn application prior to the expiration of a minimum period of 12 months from the withdrawal of the application.
- B. When the governing bodies have voted on a rezoning application and the proposed rezoning has either been denied or has failed to be approved by the vote required in the event of a valid protest petition, then the application shall be deemed to have expired.
- C. No subsequent application requesting a rezoning for any parcel contained in an application which has expired may be made prior to the expiration of a minimum period of 12 months from the date of expiration.
- D. The governing bodies may waive the time-lapse requirements of this section where it is deemed to be in the public interest to do so.

10.5.12 Comprehensive Zoning Change

A. Purpose

The purpose of a comprehensive zoning change is to rezone areas in conformance with the principles of comprehensive land use planning and staged development as reflected by established public plans and policies, and planned public facilities. Through comprehensive zoning change, consideration will be given to the character of the areas, suitability of particular uses, protecting natural areas, conserving the value of buildings and communities and encouraging the most appropriate use of land throughout the City and County. These procedures shall further the protection of the health, safety and general welfare of the citizens of the City and County.

B. Designated Areas

Comprehensive zoning changes shall be limited to those areas designated as planning districts or areas, or other areas for which a plan has been approved or adopted by the governing bodies after a public hearing and notice has been given in accordance with 10.3.4, Public Hearings and Notification. In addition, this procedure may be used to comprehensively zone properties in accordance with Federal Emergency Management Agency floodway and floodplain maps.

10.6 SPECIAL USE REVIEW**10.6.1 Applicability**

- A. Special uses within each zoning district are uses that may be appropriate in a particular zoning district, but because of the increased potential for incompatibility with adjacent uses, require individual review by the governing bodies. A special use permit shall also be required for all planned development as set forth in 2.6, Permitted Uses.
- B. A special use permit shall be required for all special uses as set forth in 2.6, Permitted Uses. A development comprised of uses regulated by separate rows on the permitted use table shall be reviewed using the most restrictive process from among the proposed uses.

***Commentary.** If a proposed development includes a gas station, library and a restaurant, including outparcels, and one of those uses is only permitted as a special use in the district, then the entire development requires special use review.*

- C. Where a use requiring special use approval lies on a separate legal parcel, only the building containing the use and its separate parcel shall be subject to special use review, not the entire project. However, where the separate legal parcel is an outparcel, the application for special use shall describe the relationship of the outparcel to the remaining site.

***Commentary.** For example, where a vehicle repair shop in a CMP-1 District (subject to special use review) is an outparcel within a larger development, the special use shall review the outparcel only – not the entire development. However, where a special use is proposed in a building that contains a variety of other uses, the entire building and its associated parcel(s) of land shall require special use review.*

10.6.2 Pre-Application Conference

An applicant requesting a special use permit shall schedule a pre-application conference in accordance with 10.3.1.

10.6.3 Neighborhood Meeting

An applicant requesting a special use permit for a planned development shall hold a neighborhood meeting in accordance with 10.3.2.

10.6.4 Application Requirements

- A. An application for a special use permit shall be submitted with a site plan in accordance with 10.3.3, Application Requirements.
- B. An application for a special use permit for a planned development shall be submitted with an outline plan in accordance with 10.3.3, Application Requirements.
- C. The Planning Director has established specific submittal requirements for special use permit applications (see Appendix A for requirements).

10.6.5 Planning Director Action

- A. Upon submission of a completed application, the Planning Director shall schedule the application for review by the Technical Review Committee. The Technical Review Committee shall review the associated site plan for consistency with the requirements of this development code.
- B. Upon completion of the technical review, the Planning Director may meet with the applicant to discuss any changes in development design.
- C. The Planning Director shall prepare a report that reviews the application in light of comments provided by the Technical Review Committee, and in light of any applicable adopted plan (see 1.6) and the general requirements of this development code. The report, site plan or outline plan, special use request and any related application materials shall be forwarded to the Land Use Control Board.

10.6.6 Land Use Control Board Action

- A. Not less than 35 or more than 75 days after an application has been determined complete, the Land Use Control Board shall hold a public hearing and give notice in accordance with 10.3.4, Public Hearings and Notification.
- B. The Land Use Control Board shall make a recommendation on the request for a special use after deliberation and prior to the close of the public hearing. The Land Use Control Board may, prior to the close of the public hearing, take the matter under advisement or defer decision until the next regular meeting of the Board. The Land Use Control Board shall act upon a special use application and make a recommendation to the governing bodies within 75 days after the application has been determined complete, without exception.

10.6.7 Governing Body Action

- A. Where revisions are required, an applicant shall submit a revised site plan within 60 days after the date of the close of the Land Use Control Board public hearing or the application shall be deemed withdrawn. Objection to a Land Use Control Board recommendation or condition of approval may be made by filing a written notice of objection with the Planning Director within 60 days after the date of the close of the public hearing. Such objection shall be accompanied by a site plan incorporating all revisions for conditions or recommendations to which the applicant does not object.
- B. The Planning Director shall forward the recommendations of the Land Use Control Board and any objection to the governing bodies within 21 days of submittal of a revised site plan, or the close of the public hearing, whichever date occurs later.
- C. If an objection is filed, or opposition to the proposed special use was voiced at the public hearing before the Land Use Control Board by a property owner within the required notification area, the governing bodies shall hold a public hearing and give notice in accordance with 10.3.4, Public Hearings and Notification, on the application after receipt of recommendations from the Land Use Control Board and the Planning Director. A public hearing may be held before both governing bodies meeting in joint session when the application for a special use permit involves property located in an unincorporated area of Shelby County within five miles of the Memphis City limits. The governing bodies shall approve or disapprove the special use permit and shall set forth any conditions imposed.
- D. If no objection is filed, and if no opposition to the proposed special use permit was voiced at the public hearing before the Land Use Control Board by an owner of property within the required notification area, the governing bodies may, without a public hearing and after receipt of the Land Use Control Board's and Planning Director's recommendations, approve or disapprove the special use permit and shall set forth any conditions imposed.
- E. The governing bodies shall be required to approve all special use permits by a two-thirds vote of the members present and voting.
- F. Where the Land Use Control Board recommends denial of a special use permit, the governing bodies shall be required to approve the special use permit by a two-thirds vote of the total members of the body.

10.6.8 Approval Criteria

No special use permit shall be approved unless the following findings are made concerning the application:

- A. The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.
- B. The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations.
- C. The project will be served adequately by essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection and emergency services, water and sewers; or that the applicant will provide adequately for such services.
- D. The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic or historic importance.
- E. The project complies with all additional standards imposed on it by any particular provisions authorizing such use.
- F. The request will not adversely affect any applicable adopted plan (see 1.6), or violate the character of existing standards for development of the adjacent properties.

10.6.9 Approval Criteria for Use Variations

Before the governing bodies grant a use variation, the applicant must show that the use variation requested will not be unduly detrimental to and will be in reasonable harmony with the character of the area where the property is located.

Additionally, to satisfy the requirements for the granting of a use variation, an applicant shall establish the existence of the following:

A. Unnecessary Hardship

The property for which a variation is requested cannot yield a reasonable return if used for any of the purposes permitted or allowed in the zoning district for the property. Such inability to realize a reasonable return must be supported by specific facts. The applicant must present facts, not its unsubstantiated opinion, that the property cannot yield a reasonable return under the existing regulations. Proof that the property cannot be used for its highest and best use and that it could be used more profitably for another use will not alone be sufficient to establish that the property cannot yield a reasonable return as classified.

B. Unusual Characteristics of the Property

The inability to yield a reasonable return must result from unusual circumstances peculiar to the property itself, including its narrowness, shallowness and shape or topographic conditions, not the personal situation of the applicant, the location of the property or a self-imposed hardship.

10.6.10 Conditions of Approval

- A. In granting approval of a special use permit, the governing bodies may impose reasonable conditions which serve to assure that the required findings are upheld. Such conditions may include, but are not limited to, right-of-way or easement dedication; recreation, open space, or buffer provision; limits on scale, intensity, or hours of operation; and other reasonable restrictions.
- B. Any additional condition approved by the governing bodies shall become a part of the permit and be of equal importance in the responsibility of the applicant or subsequent assigns to adhere to its terms.

10.6.11 Planned Development Special Requirements

The following additional requirements shall apply to all special use review for a planned development.

A. Outline Plan Required

A complete application for approval of a special use permit for a planned development shall include an outline plan consistent with the requirements of this development code.

B. Standards for Planned Development

All planned development shall meet the standards set forth in 7.8, Planned Development. The application shall state which zoning district serves as the basis for the planned development, along with a description of the waivers or exceptions to the standards applicable in that district necessary to achieve the development proposed in the outline plan.

C. Action After Approval

1. Approval of a planned development special use permit and associated outline plan does not constitute site plan approval (if the property remains in single ownership) or subdivision approval (if the property is to be further subdivided).
 - a. Property remaining in single ownership shall obtain final plan approval as set forth in 2.
 - b. Property to be further subdivided shall obtain preliminary plan and final plat approval in accordance with 10.7, Subdivision Review.
2. An approved outline plan shall bind the applicant and the governing bodies with respect to the contents of the outline plan.
3. Review of projects within a planned development shall occur using all of the standards applicable to the district applied in the outline plan, with the exception of any modification of standards expressly approved by the governing bodies.

D. Final Plan Approval

1. Application Requirements

- a. An application for a final plan shall be submitted in accordance with 10.3.3, Application Requirements. A final plan, including all the requirements of an outline plan, may be submitted as a single application when the development remains in single ownership and will be constructed in a single phase.

- b. The Planning Director has established specific submittal requirements for final plan review (see Appendix A for requirements).

2. Planning Director Action

- a. Upon submission of a completed application, the Planning Director shall schedule the final plan for review by the Technical Review Committee. The Technical Review Committee shall review the final plan for consistency with the outline plan and other applicable requirements of this development code. The Planning Director shall, after review by the Technical Review Committee, determine whether the submitted plan substantially conforms to the approved outline plan and other applicable requirements of this development code.
- b. Upon completion of the technical review, the Planning Director may meet with the applicant to discuss any changes in development design.

3. Final Plan Approval Criteria

A final plan shall be found to conform to an approved outline plan if it conforms to the approved outline plan; provided, however, such final plan shall also be found to conform if:

- a. It provides for less density than the approved outline plan, except where such density was a condition of approval; or
- b. It provides greater open space; or
- c. It modifies the orientation of buildings or their location as long as such changes do not significantly alter or adversely affect the relationship of such buildings to the total development or any of its elements. Such modification shall not exceed a distance of:
 - 1) 25 feet for final plans of two or less acres;
 - 2) 50 feet for final plan of more than two but less than eight acres;
 - 3) 100 feet for final plans of eight acres but than 20 acres; and
 - 4) 150 feet for final plans of 20 acres or more.

4. Action After Final Plan Approval

After approval of the final plan by the Planning Director, the applicant shall submit an application for site plan or subdivision review.

- a. Property remaining in single ownership shall obtain approval as set forth in 10.12, Site Plan Review.
- b. Property to be further subdivided shall obtain final plat approval in accordance with 10.7, Subdivision Review. The approved final plan shall be considered to fulfill the requirements for Preliminary Plan review.

E. Approved Outline or Final Plan Modifications

1. Development Schedule Modifications

The Land Use Control Board may amend or waive a development schedule upon submission of written justification by the applicant.

2. Minor Modifications

Minor revisions to an approved outline plan may be approved by the Planning Director if the revisions meet the requirements in 10.6.12A, Minor Deviations, below.

3. Major Modifications

Proposed modifications to an approved outline plan or final plan not considered minor shall be submitted and processed as new applications in accordance with the provisions of this section.

10.6.12 Modifications to Approved Site Plans

A. Minor Deviations

- 1. If a proposed amendment to a special use permit site plan or a planned development outline plan or final plan represents only a minor deviation from the approved plan, the applicant shall file a written application for such amendment with the Planning Director with a copy sent to the Technical Review Committee delineating the revisions and requesting authorization for administrative revision. Minor deviations shall include, but are not limited to, the following:

- a. A less than five percent increase, or any decrease, in the floor area or number of units, provided that the district maximum floor area ratio or gross units per acre of the subject property for the plan has been submitted is not exceeded.
- b. The relocation of any structure, dedicated street, easement or landscape screen in any direction from the location shown on the site plan for the distances specified below based on the size of the development:
 - 1) Less than 25 feet for site plans of two or less acres;
 - 2) Less than 50 feet for site plans of more than two but less than eight acres;
 - 3) Less than 100 feet for site plans of eight acres but less than 20 acres; and
 - 4) Less than 150 feet for site plans of 20 acres or more.
 - 5) The correction of drafting errors on the approved plan.
2. The Planning Director shall notify the applicant whether the proposed revision qualifies for administrative approval and the basis for the determination.
3. The Planning Director shall distribute copies of the revised plan to the appropriate agencies.
4. The Planning Director, following consultation with the Technical Review Committee, shall act on the revised plan within 30 days.

B. Substantial Deviations

If a proposed amendment to a special use permit site plan or a planned development outline plan or final plan deviates substantially from the approved plan, the approved plan shall only be amended in accordance with the procedure and standards which governed its approval.

10.6.13 Effect of Decision

- A. If the governing bodies votes to deny an application, there may be no subsequent application for the same or similar use submitted by any party for any part of the subject property until 18 months have elapsed from the date of denial. The governing bodies may waive the time-lapse requirements of this section where it is in the public interest to do so.
- B. The special use permit and additional conditions, if applicable, shall run with the land and shall be binding on the original applicant as well as any successors, assigns, and heirs.
- C. A special use permit for a planned development shall be noted as a planned development on the Official Zoning Map.
- D. The issuance of a special use permit for a particular use shall not allow the development of the site for the special use, but shall merely authorize the filing of applications for required permits and approvals, including, but not limited to, building permits and certificates of occupancy.
- E. The issuance of a planned development special use permit shall not allow the development of the site, but shall merely authorize the filing of applications for required permits and approvals, including, but not limited to, site plan and subdivision approval, building permits and certificates of occupancy.
- F. The Building Official shall not issue a certificate of occupancy for a special use if any of the conditions imposed by the governing bodies in approving the special use permit have not been met.

10.6.14 Period of Validity

- A. Planned development special use permits shall not expire.
- B. Special use permits shall be implemented (see 10.18, Certificate of Occupancy) within 24 months of final approval or such permits shall be void. The Land Use Control Board, however, upon application, may grant extensions in increments not exceeding two years upon a finding that the character of the neighborhood has not substantially changed since approval of the original special use that would require a public hearing as in the case of the original granting of the special use.
- C. If a special use permit has not been in use for any consecutive 24-month period, the permit shall be void. The applicant, at the time of a request for a certificate of occupancy, shall be responsible for providing proof to the Building Official of such continued use.

10.6.15 Revocation of a Special Use Permit

- A. If any conditions of a special use permit or other requirements of this development code are violated, the governing bodies may revoke the permit.
- B. Revocation may occur after an evidentiary hearing is conducted by the governing bodies.

- C. Upon a vote of two-thirds of the total members of the body, the governing bodies may revoke the permit.
- D. Violation of a condition of a special use permit shall be considered a violation of this development code and thereby subject to the provisions of Article 12, Enforcement, as well as this section.

10.6.16 Coordination with Variances

An application for a variance may be submitted concurrently with a request for a special use permit. However, decisions shall be rendered separately for any variance and the special use permit. The variance request shall be considered first, and where it is denied, the special use permit request shall be null and void.

10.6.17 Coordination with Zoning Change Applications

An application for a special use permit may be reviewed concurrently with a zoning change application. However, decisions shall be rendered with separate motions.

10.7 SUBDIVISION REVIEW**10.7.1 Applicability**

Except as expressly exempted below, no land shall be subdivided within the City of Memphis or unincorporated portion of Shelby County until:

- A. The applicant has submitted a minor or major preliminary plan in accordance with this Chapter; and
- B. The applicant has obtained approval of the minor or major preliminary plan and final plat; and
- C. The approved final plat is filed and recorded in the Shelby County register's office.

Editor's Note: *Exemptions per City/County Charter.*

10.7.2 Dedication and Improvement

All development required to submit a preliminary plan or final plat pursuant shall require the dedication and improvement of public facilities to provide adequate public streets, sidewalks, or other public infrastructure. Link to improvements section

- A. All development required to submit a preliminary plan or final plat pursuant this development code shall require the dedication and improvement of public facilities to provide adequate public streets, sidewalks, or other public infrastructure.
- B. Prior to final construction or grading approval, the applicant shall have installed all required improvements as specified in this development code or guaranteed their installation as provided in Article 9.
- C. No municipal services or utilities shall be extended or furnished to any development until the applicant has installed the required improvements or guaranteed their installation as provided for Article 9.
- D. Engineering plans and specifications shall be in accordance with applicable standards of the City or County pertaining to construction of, paving, drainage, sidewalk, driveways, streets, alleys, culverts, and any other facilities regulated by City or County ordinances or design standards.
- E. No improvements shall be made until all plans, profiles and specifications have been reviewed and approved by the City, County or other government agency under whose authority is required to approve.
- F. The applicant shall enter into a standard improvement contract to construct at the applicant expense improvements as specified in this development code as set forth in Article 9.

10.7.3 Exemptions

The following are exempted and are not subject to review under this Chapter:

- A. Any division, of land recorded after March 1, 1989, within the City of Memphis or within three miles of the corporate limits of the City of Memphis, where each parcel created conforms to the standards for exemption in either paragraph 1 or paragraph 2 below:
 1. **Four to 20 acres**
 - a. The division of land into parcels of between four and 20 acres exclusive of existing road right-of-way, or right-of-way to be reserved; and
 - b. Each parcel has a minimum of 50 feet of frontage on a public road and a minimum dimension of 50 feet; and
 - c. Each parcel has reserved right-of-way in accordance with the Metropolitan Planning Organization Long Range Transportation Plan, provided such reservation shall be limited to a period of ten years; and
 - d. Each parcel has drainage flows exiting the parcel produced by watersheds of less than 100 acres.
 2. **20 acres or larger**
 - a. The division of land into parcels of 20 acres or more exclusive of existing road right-of-way, or right-of-way to be reserved; and
 - b. Each parcel has a minimum of 50 feet of frontage on a public road and a minimum dimension of 50 feet.

3. Certification

The owner of any parcel claiming to be exempt from subdivision review shall, at the time a building permit is applied for, provide to the Building Official a sealed survey certified by a professional land surveyor certifying the parcel and all other parcels created by division of the original parcel of record to be in conformance with either paragraph 1 or paragraph 2 above. The original parcel of record shall be defined as that tract of land existing by recorded deed or plat prior to March 1, 1989

- B. Any division, of land recorded after March 1, 1989, beyond three miles of the Memphis City limits, where each parcel created conforms to the standards for exemption in either paragraph 1 or paragraph 2 below:

1. Four to 20 acres

- a. The division of land into parcels of between four and 20 acres exclusive of existing road right-of-way, or right-of-way to be reserved; and
- b. Each parcel has a minimum of 50 feet of frontage on a public road and a minimum dimension of 50 feet; and
- c. Each parcel has reserved right-of-way in accordance with the MPO Long Range Transportation Plan, provided such reservation shall be limited to a period of ten years; and
- d. Each parcel has drainage flows exiting the parcel produced by watersheds of less than 250 acres; and
- e. Any lot greater than four acres that does not conform to paragraph d. above shall not be granted such exemption unless approved by the County engineer. The County Engineer may require drainage improvements including riprapping, dredging, sloping, seeding, sodding and other efforts to ensure the proper flow of stormwater and to minimize erosion. Upon satisfactory completion of the improvements and inspection by the County engineer, a building permit may be issued.

2. 20 acres or larger

- a. The division of land into parcels of 20 acres or more exclusive of existing road right-of-way, or right-of-way to be reserved; and
- b. Each parcel has a minimum of 50 feet of frontage on a public road and a minimum dimension of 50 feet.

3. Certification

The owner of any parcel claiming to be exempt from subdivision review shall, at the time a building permit is applied for, provide to the Building Official a sealed survey certified by a professional land surveyor certifying the parcel and all other parcels created by division of the original parcel of record to be in conformance with either paragraph 1 or paragraph 2 above. The original parcel of record shall be defined as that tract of land existing by recorded deed or plat prior to March 1, 1989.

- C. The sale, exchange, or combining of parcels of land between one or more owners of adjoining properties, provided additional lots are not created and that the resulting parcels are not less than the minimum sizes required by these and the zoning regulations; and further provided that the resulting parcel from such sale, exchange, or combining of properties shall not be eligible for two- dwellings in the R-15, R-10, R-8, R-6 or R-3 districts.
- D. The division or sale of land by judicial decree.
- E. Parcels recorded by deed or plat prior to March 6, 1956.
- F. Any division of land beyond three miles of the Memphis City limits recorded by deed between February 1, 1984, and March 1, 1989, containing four acres of land and 50 feet of frontage on a public road constructed in accordance with this development code. The end of a stub street shall not be used to satisfy the requirements for road frontage.
- G. There is no exemption within the Fletcher Creek Overlay District. Drainage requirements and additional requirements for building floor elevation are required in conformance with Fletcher Creek Overlay District (see 6.6).

10.7.4 Subdivision Types

There are two types of subdivision review with differing levels of approval required for each. The criteria for establishing the applicable review process and the corresponding level of approval for each are indicated below.

A. Minor Subdivision

- 1. A minor subdivision is a subdivision that complies with the following:
 - a. Consists of not less than two, but not more than four lots.

- b. Does not require the installation of any public improvements as required by Article 9, Infrastructure and Public Improvements, or the dedication of any public easements.
 - c. Conforms to the MPO Long Range Transportation Plan.
 - d. Does not propose the resubdivision of any lot in a previously approved subdivision.
 - e. All lots shall have the minimum required frontage on an existing approved or improved public street as set forth in Article 3, Building Envelope Standards, for the district in which the property is located and only one lot may be configured as a flag lot.
 - f. Comprises only one phase.
 - g. Does not adversely affect the development of adjoining property and is not in conflict with any provisions of this development code.
2. Minor subdivision review requires minor preliminary plan approval (see 10.7.6) and final plat approval (see 10.7.8).

B. Major Subdivision

- 1. All other divisions of land not exempted in 10.7.2 or listed in paragraph A above shall be considered major subdivisions.
- 2. Major subdivision review requires major preliminary plan approval (see 10.7.7) and final plat approval (see 10.7.8).

10.7.5 Pre-Application Conference

- A. An applicant seeking subdivision approval shall schedule a pre-application conference in accordance with 10.3.1.
- B. At the time of the pre-application conference, an applicant shall submit a sketch plan for review. This plan should, in simple sketch form, show the proposed layout of streets; lots and other features in relation to existing conditions.
- C. The Planning Director shall make a determination as to which approval process authorized by this Chapter can be used. The Planning Director may require the applicant to submit whatever supplemental information is necessary to make this determination.

10.7.6 Minor Preliminary Plan Review

Editor's Note: New nomenclature, same requirements (administrative subdivision plan).

A. Applicability

The expedited procedure for approval of minor subdivisions is intended to simplify processing of routine small subdivisions with due regard to protection of the public interest.

B. Delegation of Authority

The governing bodies hereby delegate review and approval authority for all minor preliminary plans to the Planning Director, with review and recommendation by the Technical Review Committee.

C. Application Requirements

- 1. An application for a minor preliminary plan shall be submitted in accordance with 10.3.3, Application Requirements.
- 2. The Planning Director has established specific submittal requirements for a minor preliminary plan application (see Appendix A for requirements).

D. Planning Director Action

- 1. Upon submission of a completed application, the Planning Director shall schedule the minor preliminary plan for review by the Technical Review Committee. The Technical Review Committee shall review the minor preliminary plan for consistency with the requirements of this development code. The Planning Director shall, after review by the Technical Review Committee, determine whether the submitted plan conforms to the standards for a minor subdivision.
- 2. Any public opposition to the subdivision shall be presented in writing not more than five days before the Technical Review Committee meeting.
- 3. If the minor preliminary plan is determined not to be in conformance with the requirements for a minor subdivision, the applicant may proceed with major preliminary plan approval (see 10.7.7).

E. Action Following Approval

1. Upon minor preliminary plan approval, the applicant may begin preliminary site work. All site work shall be performed in compliance with the requirements of this development code, and other applicable regulations of the City, County, and State.
2. Approval of a minor preliminary plan does not constitute approval of the final plat. Application for approval of the final (recorded) plat will be considered only after the requirements for final plat approval as specified in 10.7.8 have been fulfilled and after all other specified conditions have been met.

F. Continuing Validity of Minor Preliminary Plans

An approved minor preliminary plan shall retain its validity for two years. An applicant may request an extension of time. Requests for extensions shall be submitted in writing to the Planning Director prior to the expiration date. The applicant shall indicate the reasons for the extension and the estimated time for finalizing the development. When granted, an extension shall be for a 24-month period, and only one such extension shall be granted.

G. Approval Criteria

Minor preliminary plans shall be approved only when the Planning Director, after Technical Review Committee consideration, finds that all of the following conditions exist:

1. The plan complies with the standards of Article 3, Building Envelope Standards, Article 4, Street and Streetscape Standards, Article 9, Infrastructure and Public Improvements, and any other applicable requirements of this development code;
2. The plan conforms to the MPO Long Range Transportation Plan;
3. The plan indicates that all subject lots will have frontage on existing approved or improved streets;
4. The plan does not propose the resubdivision of any lot in a previously approved subdivision;
5. New or residual parcels conform to the requirements of this development code and other applicable regulations;
6. No new streets are required or are likely to be required for access to interior property;
7. No drainage or utility easements will be required to serve interior property;
8. No extension of public sewerage or water lines will be required;
9. The subdivision shall comprise only one phase;
10. The proposed subdivision will not adversely effect permissible development of the remainder of the parcel or of adjoining property; and
11. No waivers from the requirements of Article 9, Infrastructure and Public Improvements, have been requested.

10.7.7 Major Preliminary Plan Review

Editor's Note: New nomenclature, same requirements (preliminary subdivision plan).

A. Applicability

Major preliminary plan submittal is required for all subdivisions that do not meet the definition of a minor subdivision as set forth in 10.7.4.

B. Delegation of Authority

The governing bodies hereby delegate review and approval authority for all major preliminary plans to the Land Use Control Board, with review by the Technical Review Committee.

C. Application Requirements

1. An application for a major preliminary plan shall be submitted in accordance with 10.3.3, Application Requirements.
2. The Planning Director has established specific submittal requirements for a major preliminary plan application (see Appendix A for requirements).
3. An application for a waiver from any of the provisions of Article 9, Infrastructure and Public Improvements, shall be submitted in writing by the applicant at the time the major preliminary plan is filed. The application shall state the grounds for the waiver and all the facts relied upon by the applicant.

D. Planning Director Action

1. Upon submission of a completed application, the Planning Director shall schedule the major preliminary plan for review by the Technical Review Committee. The Technical Review Committee shall review the major preliminary plan for consistency with the requirements of this development code.
2. Upon completion of the technical review, the Planning Director may meet with the applicant to discuss any changes in development design.
3. The Planning Director shall prepare a report that reviews the application in light of comments provided by the Technical Review Committee, any applicable adopted plan (see 1.6) and the general requirements of this development code. The report, major preliminary plan and any related application materials shall be forwarded to the Land Use Control Board.

E. Land Use Control Board Action

1. Not less than 35 or more than 75 days after an application has been determined complete, the Land Use Control Board shall hold a public hearing and give notice in accordance with 10.3.4, Public Hearings and Notification.
2. The Land Use Control Board shall make a recommendation on the request for major preliminary plan approval after deliberation and prior to the close of the public hearing. The Land Use Control Board may, prior to the close of the public hearing, take the matter under advisement or defer decision until the next regular meeting of the Board.

F. Waivers

1. Where the Land Use Control Board finds that extraordinary hardships or practical difficulties may result from strict compliance with **Article 9, Infrastructure and Public Improvements**, and the intent of this development code may be served to a greater extent by an alternative proposal, a waiver may be granted. A waiver shall not have the effect of nullifying the intent and purpose of this development code, and the Land Use Control Board shall not grant a waiver unless the Board makes findings based upon the evidence presented in each case that:
 - a. The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located;
 - b. The conditions upon which the request for a waiver are based are unique to the property for which the waiver is sought and are not generally applicable to other property;
 - c. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of this development code are enforced; and
 - d. The purpose of the waiver is not based primarily upon financial consideration.
2. In granting a waiver, the Land Use Control Board may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of this development code.

G. Action Following Approval

1. Upon major preliminary plan approval, the applicant may begin proceedings to enter into a standard improvement contract to begin site work and installation of improvements. All work shall be performed in compliance with the requirements of Article 9, Infrastructure and Public Improvements, and other applicable regulations of the City, County, and State.
2. Approval of a major preliminary plan does not constitute approval of the final plat. Application for approval of the final (record) plat will be considered only after the requirements for final plat approval as specified in 10.7.8 have been fulfilled and after all other specified conditions have been met.

H. Approval Criteria

A major preliminary plan shall be approved by the Land Use Control Board if it meets the following criteria:

1. Conforms with all the provisions and requirements of any applicable adopted plan (see 1.6);
2. There are adequate public facilities available, to be provided by the applicant or programmed within the five-year capital improvements program of the governing bodies to accommodate the proposed development;
3. Conforms with all the provisions and requirements of this development code; and

4. Conforms with all the provisions and requirements of other applicable codes and ordinances relating to land development not included in this development code.

I. Continuing Validity of Major Preliminary Plans

An approved major preliminary plan shall retain its validity as set forth below.

1. Bond

Applicants submitting a security deposit in accordance Article 9, Infrastructure and Public Improvements, instead of installing required improvements shall retain a valid approved plan for a period not exceeding 12 months from the date of preliminary approval.

2. No Bond

Applicants posting no security deposit and installing required improvements shall retain a valid approved plan for a period not exceeding 24 months from the date of preliminary approval.

3. Phases

If the preliminary plan contains more than one phase, all phases shall have a final plat recorded within the approval period. If a final plat has not been recorded within the approval period, the preliminary plan shall be null and void.

4. Time Extension

An applicant may request an extension of time. Requests for extensions shall be submitted in writing to the Planning Director prior to the expiration date. The applicant shall indicate the reasons for the extension and the estimated time for finalizing the development. When granted, an extension shall be for a 12-month or 24-month period, and only one such extension shall be granted.

10.7.8 Final Plat Review

A. Applicability

1. All division of land not exempted in 10.7.2 shall require final plat approval as set forth below.
2. The final plat shall constitute only that portion of the approved preliminary plan (if required) that the applicant proposes to record and develop at the time of submission. Approval of the final plat shall be subject to the installation of the improvements designated in Article 9, Infrastructure and Public Improvements, or certified evidence that requirement improvements will be installed in accordance with this development code.

B. Application Requirements

1. An application for final plat approval shall be submitted in accordance with 10.3.3, Application Requirements.
2. The Planning Director has established specific submittal requirements for a final plat application (see Appendix A for requirements).

C. Planning Director Action

1. Upon submission of a completed application, the Planning Director shall schedule the preliminary plan for review by the Technical Review Committee. The Technical Review Committee shall review the final plat for consistency with the requirements of the preliminary plan and other applicable requirements of this development code. The Planning Director shall, after review by the Technical Review Committee, determine whether the submitted plan substantially conforms to the approved preliminary plan and other applicable requirements of this development code.
2. Upon completion of the technical review, the Planning Director may meet with the applicant to discuss any changes in development design.
3. If the final plat contains dedication of streets or easements or construction of public improvements, the Planning Director shall forward copies of the final plat to the appropriate Public Works Department requesting preparation of any required contracts and approval resolutions for the governing bodies. The Planning Director shall complete the review of the final plat and notify the applicant of nonconformities, omissions, or corrections required before the final plan is forwarded for governing bodies action.
4. If a final plat contains no dedication of streets or easements or construction of public improvements, the Planning Director shall approve the final plat if it conforms to the approved preliminary plan.

D. Governing Body Action

1. If the final plat contains dedication of streets or easements or construction of public improvements, then the governing bodies shall approve the final plat before such plat is recorded.
2. Upon receiving notification from the Planning Director that the final plat is complete and correct, the appropriate Public Works Department shall within 21 days forward to the governing bodies, the final plat with the appropriate resolution and standard improvement contract executed by the applicant.
3. The governing bodies may take action on the final plat if it is in compliance with the approved preliminary plan.
4. If the final plat is disapproved by the governing bodies, the reasons for such disapproval shall be stated in writing, specifying the provisions of this development code with which the final plan does not comply. A revised final plat may be submitted to the Planning Director for further consideration.

E. Approval Criteria

Final plats shall be approved only when the following conditions exist:

1. The plat substantially complies with the approved preliminary plan.
2. The plat complies with the standards of Article 3, Building Envelope Standards, Article 4, Street and Streetscape Standards, Article 9, Infrastructure and Public Improvements, and any other applicable requirements of this development code;
3. New and residual parcels will conform to the requirements of this development code and other applicable regulations;
4. The proposed subdivision will not adversely affect permissible development of the remainder of the parcel or of adjoining property;
5. All necessary right-of-way has been offered for reservation or dedication; and
6. All necessary drainage easements have been provided.

F. Action After Approval

1. After a final plat is approved by the governing bodies, the Planning Director shall record such plat in the Shelby County Register's Office after receipt of the resolution approving the final plat and any necessary contracts to provide improvements required Article 9, Infrastructure and Public Improvements, and the required signatures for recordation have been secured. If the final plan contains no dedication of streets or easements or construction of public improvements, then the Planning Director shall record such plan without action of the governing bodies.
2. Following recordation of the final plat, the Planning Director shall distribute a copy of the plat to the Building Official, the governing bodies, the Fire Department, and other agencies responsible for providing services to the property.

10.7.9 Approved Plan or Plat Modifications**A. Minor Modifications****1. Preliminary Plan**

Minor revisions to an approved minor or major preliminary plan may be approved by the Planning Director if the revisions are within the scope and intent of the original approval.

2. Final Plat

A final plat may be rerecorded to:

- a. Revise or correct dimensions;
- b. Change street names;
- c. Add, delete or modify easements or private covenants;
- d. Change subdivision name; or
- e. Other minor modifications that are within the scope and intent of the original approval subject to approval of the Planning Director.

3. Procedures

a. Preliminary Plan

- 1) When minor revisions are proposed to an approved preliminary plan, the applicant shall submit a written request to the Planning Director with a copy sent to the Technical Review Committee delineating the revisions and requesting authorization for administrative revision.
- 2) The Planning Director shall notify the applicant whether the proposed revision qualifies for minor modification and the basis for the determination. If approved, the final plat may be submitted in accordance with the revisions.
- 3) The Planning Director shall distribute copies of the revised plan to the appropriate agencies.

b. Final Plat

- 1) When minor revisions are proposed to an approved final plat, the applicant shall submit a written request to the Planning Director with a copy sent to the Technical Review Committee delineating the revisions and requesting authorization for administrative revision.
- 2) If the plat has been recorded, the applicant shall submit the recorded plat with a statement describing the revisions made and title block for the Planning Director signature, and date of signing.
- 3) If the ownership of the subdivision has changed or if any lots have been sold since the previous recording, an owner's and notary's certificates shall be provided on the plat for each current owner affected by the change.
- 4) In addition to the letter and the revised final plat, the applicant shall submit the required fees to the Planning Director for processing and rerecording the revised plat.
- 5) The Planning Director shall distribute copies of the recorded final plat to the appropriate agencies.

B. Major Modifications

Proposed modifications to an approved preliminary plan or final plat not considered minor revisions shall be submitted and processed as new applications in accordance with the provisions of this development code.

Editor's Note: *Street or alley closing, changed name per staff discussion.*

10.8 RIGHT-OF-WAY VACATION

All applications for right-of-way vacation, including vacation of easements and divestiture of excess right-of-way, shall be subject to the following procedure.

10.8.1 Pre-Application Conference

An applicant requesting right-of-way vacation shall schedule a pre-application conference in accordance with 10.3.1.

10.8.2 Application Requirements

- A. An application for right-of-way vacation shall be submitted in accordance with 10.3.3, Application Requirements.
- B. The Planning Director has established specific submittal requirements for right-of-way vacation applications (see Appendix A for requirements).

10.8.3 Planning Director Action

- A. Upon submission of a completed application, the Planning Director shall schedule the application for review by the Technical Review Committee. The Technical Review Committee may make comments concerning the vacation and conditions of approval.
- B. The Planning Director shall prepare a report that reviews the application in light of comments provided by the Technical Review Committee, any applicable adopted plan (see 1.6), and the general requirements of this development code. The report and any related application materials shall be forwarded to the Land Use Control Board.

10.8.4 Land Use Control Board Action

- A. Not less than 35 or more than 75 days after an application has been determined complete, the Land Use Control Board shall hold a public hearing and give notice in accordance with 10.3.4, Public Hearings and Notification.
- B. The Land Use Control Board shall make a recommendation on the application after deliberation and prior to the close of the public hearing. The Land Use Control Board may, prior to the close of the public hearing, take the matter under advisement or defer decision until the next regular meeting of the Board.

10.8.5 Governing Body Action

- A. Within 21 days following the Land Use Control Board public hearing, the Planning Director shall forward the completed request and any related materials, including the Land Use Control Board recommendation, to the governing bodies for final action.
- B. The governing bodies shall hold a public hearing and give notice in accordance with 10.3.4, Public Hearings and Notification. The governing bodies shall by resolution approve, approve with conditions, or reject the application. The governing bodies may defer action until the next regular meeting.

10.8.6 Transfer of Title and Recording

The applicant shall pay to the appropriate Real Estate Department the cost for the transfer of title and the recording of appropriate deeds prior to the recording of any deeds.

10.8.7 Property Acquisition

A. Property Acquired by Purchase

Where right-of-way was acquired by governmental purchase (city, county, state, or related agency or utility), the applicant shall pay the fee value of the property less any standard reductions for size, limited use, existing easements, or similar impediments. Property acquired by governmental purchase shall be inclusive regardless of how long the time period has been since acquired, how many times the abutting property has changed ownership, and whether or not the purchased property has or has not been used as a street or alley in the interim.

B. Property Acquired by Dedication

If the right-of-way was acquired by dedication or if it cannot be determined whether the street or alley was acquired by governmental purchase, it shall be assumed that the street or alley was acquired by dedication and no fee value payment is required.

10.9 RIGHT-OF-WAY DEDICATIONS

10.9.1 Applicability

These procedures shall not apply to street widening dedications, dedication of streets where a design hearing has been held, or to dedication of streets where the appropriate Public Works Department will provide the improvements.

10.9.2 Pre-Application Conference

An applicant requesting right-of-way dedication shall schedule a pre-application conference in accordance with 10.3.1.

10.9.3 Application Requirements

- A. An application for right-of-way dedication shall be submitted in accordance with 10.3.3, Application Requirements.
- B. The Planning Director has established specific submittal requirements for right-of-way dedication applications (see Appendix A for requirements).

10.9.4 Planning Director Action

- A. Upon submission of a completed application, the Planning Director shall schedule the application for review by the Technical Review Committee. The Technical Review Committee may make comments concerning the dedication and conditions of approval.
- B. The Planning Director shall prepare a report that reviews the application in light of comments provided by the Technical Review Committee, any applicable adopted plan (see 1.6), and the general requirements of this development code. The report and any related application materials shall be forwarded to the Land Use Control Board.

10.9.5 Land Use Control Board Action

- A. Not less than 35 or more than 75 days after an application has been determined complete, the Land Use Control Board shall hold a public hearing and give notice in accordance with 10.3.4, Public Hearings and Notification.
- B. The Land Use Control Board shall make a recommendation on the application after deliberation and prior to the close of the public hearing. The Land Use Control Board may, prior to the close of the public hearing, take the matter under advisement or defer decision until the next regular meeting of the Board.

10.9.6 Governing Body Action

- A. Within 21 days following the Land Use Control Board public hearing, the Planning Director shall forward the completed request and any related materials, including the Land Use Control Board recommendation, to the governing bodies for final action.
- B. The governing bodies shall hold a public hearing and give notice in accordance with 10.3.4, Public Hearings and Notification. The governing bodies shall approve, approve with conditions, or reject the right-of-way dedication. The governing bodies may defer action until the next regular meeting.

10.9.7 Improvements

A standard subdivision contract shall be required for the improvement of the dedicated street in accordance with Article 9, Infrastructure and Public Improvements.

10.10 STREET NAME CHANGE**10.10.1 Application Requirements**

- A. An application for a street name change shall be submitted in accordance with 10.3.3, Application Requirements.
- B. The Planning Director has established specific submittal requirements for street name change applications (see Appendix A for requirements).

10.10.2 Planning Director Action

- A. Upon submission of a completed application, the Planning Director shall schedule the application for review by the Technical Review Committee. The Technical Review Committee may make comments concerning the street name change and conditions of approval.
- B. The Planning Director shall prepare a report that reviews the application in light of comments provided by the Technical Review Committee, any applicable adopted plan (see 1.6) and the general requirements of this development code. The report and any related application materials shall be forwarded to the Land Use Control Board.

10.10.3 Land Use Control Board Action

- A. Not less than 35 or more than 75 days after an application has been determined complete, the Land Use Control Board shall hold a public hearing and give notice in accordance with 10.3.4, Public Hearings and Notification.
- B. The Land Use Control Board shall make a recommendation on the application after deliberation and prior to the close of the public hearing. The Land Use Control Board may, prior to the close of the public hearing, take the matter under advisement or defer decision until the next regular meeting of the Board.

10.10.4 Governing Body Action

- A. Within 21 days following the Land Use Control Board public hearing, the Planning Director shall forward the completed request and any related materials, including the Land Use Control Board recommendation, to the governing bodies for final action.
- B. The governing bodies shall hold a public hearing and give notice in accordance with 10.3.4, Public Hearings and Notification. The governing bodies shall by resolution approve, approve with conditions, or reject the application. The governing bodies may defer action until the next regular meeting.

Editor's Note: *Subdivision revocation, changed name per staff discussion.*

10.11 PLAT OF RECORD REVOCATION

10.11.1 Pre-Application Conference

An applicant requesting a plat of record revocation shall schedule a pre-application conference in accordance with 10.3.1.

10.11.2 Application Requirements

- A. An application for a plat of record revocation shall be submitted in accordance with 10.3.3, Application Requirements.
- B. The Planning Director has established specific submittal requirements for plat of record revocation applications (see Appendix A for requirements).
- C. If streets have been improved , or partially improved, an application for right-of-way vacation in accordance with 10.8 shall also be filled.

10.11.3 Processing and Procedures

- A. The Planning Director shall process the request in accordance with the procedures outlined in 10.7.7, Major Preliminary Plan Review and 10.7.8, Final Plat Review.
- B. The governing bodies shall approve, approve with conditions, or reject the plat of record revocation request.
- C. The Planning Director shall record the revocation instrument in the Shelby County register's office after receipt of the certified resolution from the governing bodies.
- D. Following recordation of the revocation instrument, the Planning Director shall distribute a copy of the instrument to the Building Official, the appropriate Public Works Division, the City and County Fire Department, and other appropriate agencies.

10.11.4 Standard Improvement Contract

If there is an existing standard improvement contract, the contract and bond if any shall be released if the revocation is approved. All fees collected as part of the contract shall be nonrefundable.

10.12 SITE PLAN REVIEW

Editor's Note: *Minor site plan = administrative site plan. Major site plan = legislative site plan. Site plans now reviewed by Technical Review Committee*

10.12.1 Applicability

- A. All proposed development, except for single-family detached and single-family attached housing types (used exclusively for residential purposes) on individually lots, shall be subject to the site plan review process.
- B. Any use requiring a special use permit shall be subject to site plan review (see 10.6, Special Use Review).
- C. Temporary uses may require site plan review (see 10.14, Temporary Use Review).

10.12.2 Purpose

Site plan review assures that careful attention is given to site design to insure compliance with the codes, ordinances and resolutions related to land development and building construction.

10.12.3 Dedication and Improvement

- A. All development required to submit a site plan pursuant this development code shall require the dedication and improvement of public facilities to provide adequate public streets, sidewalks, or other public infrastructure.
- B. Prior to final construction or grading approval, the applicant shall have installed all required improvements as specified in this development code or guaranteed their installation as provided in Article 9.
- C. No municipal services or utilities shall be extended or furnished to any development until the applicant has installed the required improvements or guaranteed their installation as provided for Article 9.
- D. Engineering plans and specifications shall be in accordance with applicable standards of the City or County pertaining to construction of, paving, drainage, sidewalk, driveways, streets, alleys, culverts, and any other facilities regulated by City or County ordinances or design standards.
- E. No improvements shall be made until all plans, profiles and specifications have been reviewed and approved by the City, County or other government agency under whose authority is required to approve.
- F. The applicant shall enter into a standard improvement contract to construct at the applicant expense improvements as specified in this development code as set forth in Article 9.

10.12.4 Site Plan Types

There are two types of site plan review with differing levels of approval required for each. The criteria for establishing the applicable review process and the corresponding level of approval for each are indicated below.

A. Major Site Plan Review

- 1. The following shall be required to submit a major site plan:
 - a. Any development requiring a special use permit (see 10.6, Special Use Review).
 - b. Any planned development (see 10.6, Special Use Review).
- 2. The governing bodies shall have authority to grant major site plan approval (see 10.12.6).

B. Minor Site Plan Review

- 1. All other developments not exempted in 10.12.1 or listed in paragraph A above shall require minor site plan review.
- 2. The Planning Director, with review by the Technical Review Committee, shall have authority to grant minor site plan approval (see 10.12.5).

10.12.5 Minor Site Plan Review**A. Pre-Application Conference**

An applicant seeking minor site plan approval shall schedule a pre-application conference in accordance with 10.3.1.

B. Application Requirements

- 1. An application for a minor site plan shall be submitted in accordance with 10.3.3, Application Requirements.

2. The Planning Director has established specific submittal requirements for a minor site plan application (see Appendix A for requirements).

C. Planning Director Action

1. Upon submission of a completed application, the Planning Director shall schedule the minor site plan for review by the Technical Review Committee. The Technical Review Committee shall review the minor preliminary plan for consistency with the requirements of this development code.
2. After technical review, the Planning Director shall determine whether the minor site plan conforms to the requirements of this development code.

D. Approval Criteria

In approving a minor site plan, the Planning Director shall consider the following:

1. Compliance with all applicable requirements of this development code;
2. Agreement with any applicable adopted plan (see 1.6);
3. That the site plan will not have a substantial or undue adverse effect upon the neighborhood, the character of the medical district, traffic conditions, parking, public infrastructure, and other matters affecting the public health, safety and general welfare;
4. That the site plan will be constructed and operated to be compatible with the neighborhood and with the purpose of this development code;
5. That the proposed development can be adequately served by public facilities;
6. That the proposed development will not result in the destruction, loss, or damage of any significant natural, scenic, or historical district, site, or feature; and
7. The approving entity may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to insure compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of this development code.

E. Modifications to Approved Site Plans

The Planning Director, with review by the Technical Review Committee, shall have authority to grant modifications to approved minor site plans in accordance with the provisions of this Chapter.

F. Effect of Site Plan Approval

Approval of a minor site plan shall permit the applicant to apply for any other permits and approvals including, but not limited to, those permits and approvals required by this development code and the building code.

G. Period of Validity

Approved minor site plans are valid for 18 months or until a building permit is issued, whichever is earliest.

10.12.6 Major Site Plan Review

The governing bodies shall have authority to grant major site plan approval concurrent with action on special use permits (see 10.6, Special Use Review) and planned developments (see 10.6, Special Use Review).

10.13 SPECIAL EXCEPTION REVIEW

10.13.1 Applicability

The Land Use Control Board is authorized to approve special exceptions to certain requirements of this development code as specified below.

- A. Alternative but equivalent configurations for street facing garages (see 3.8.1, Garage Placement)
- B. Increased height limits above that permitted in the base district or on an official adopted height map (see 3.2.8A, Building Height).
- C. Tandem parking associated with all multifamily housing types (see 7.3.3A.5).
- D. Modifications to the landscape buffer requirements (see 7.4.5M).
- E. Outside storage and display may be allowed in a district not specifically designated (see 7.6, Outdoor Storage and Display).

10.13.2 Unlisted Special Exceptions

Any unlisted special exception shall be considered a variance, and approved in accordance with 10.21, Variance.

10.13.3 Application Requirements

- A. An application for a special exception shall be submitted with a site plan in accordance with 10.3.3, Application Requirements.
- B. The Planning Director has established specific submittal requirements for special exception applications (see Appendix A for requirements).

10.13.4 Planning Director Action

- A. Upon submission of a completed application, the Planning Director shall schedule the application for review by the Technical Review Committee. The Technical Review Committee shall review the associated site plan and special exception request for consistency with the requirements of this development code.
- B. Upon completion of the technical review, the Planning Director may meet with the applicant to discuss any changes in development design.
- C. The Planning Director shall prepare a report that reviews the application in light of comments provided by the Technical Review Committee, and in light of any applicable adopted plan (see 1.6) and the general requirements of this development code. The report, site plan, special exception request and any related application materials shall be forwarded to the Land Use Control Board.

10.13.5 Land Use Control Board Action

- A. Not less than 35 or more than 75 days after an application has been determined complete, the Land Use Control Board shall hold a public hearing and give notice in accordance with 10.3.4, Public Hearings and Notification.
- B. The Land Use Control Board shall review the application in light of the specific intent and purpose of this development code, along with the criteria listed below.
- C. The Land Use Control Board may approve the special exception, deny the special exception, or defer decision until the next regular meeting of the Board.

10.13.6 Approval Criteria

To approve a special exception, the Land Use Control Board shall make an affirmative finding that all of the following criteria are met:

- A. The request will not adversely affect any applicable adopted plan (see 1.6).
- B. A special exception does not conflict with streets, sidewalks, easements or landscape requirements.
- C. A special exception does not injure or damage the use, value or enjoyment of surrounding property or hinder or prevent the development of surrounding property.
- D. A special exception does not have an adverse impact on land use compatibility.
- E. A special exception does not materially and adversely affect adjacent land uses and the physical character of uses in the immediate vicinity of the proposed use.

- F. When approving a special exception, the Land Use Control Board should give special consideration to building and site improvements that enhance the level of pedestrian amenities.

10.13.7 Additional Conditions

- A. In granting approval of a special exception, the Land Use Control Board may impose reasonable conditions which serve to assure that the required findings are upheld. Such conditions may include, but are not limited to, right-of-way or easement dedication; recreation, open space, or buffer provision; limitation in scale, intensity, or hours of operation; and other reasonable restrictions.
- B. Any additional condition shall become a part of the permit and be of equal importance in the responsibility of the applicant or subsequent assigns to adhere to its terms.

10.13.8 Effect of Decision

- A. If the Land Use Control Board votes to deny an application, there may be no subsequent application for the same or similar exception submitted by any party for any part of the subject property until 18 months have elapsed from the date of denial.
- B. The special exception and additional conditions, if applicable, shall run with the land and shall be binding on the original applicant as well as any successors, assigns, and heirs.
- C. The issuance of a special exception shall not allow the development of the site, but shall merely authorize the filing of applications for required permits and approvals, including, but not limited to, building permits and certificates of occupancy.
- D. The Building Official shall not issue a certificate of occupancy for a special exception if any of the conditions, imposed by the Land Use Control Board in approving the special use permit, have not been met.

10.13.9 Period of Validity

Special exceptions shall be implemented (see 10.18, Certificate of Occupancy) within 24 months of final approval or such permits shall be void. The Land Use Control Board, however, upon application, may grant extensions in increments not exceeding two years upon a finding that the character of the neighborhood has not substantially changed since approval of the original special exception that would require a public hearing as in the case of the original granting of the special exception.

10.14 TEMPORARY USE REVIEW

Commentary: Temporary outdoor uses should not be confused with permanent outdoor activities (for example, a car sales lot) that are only allowed in certain districts and require site plan approval, nor should they be confused with an outdoor display area (for example, a garden center that is part of a building supply store) that may be a part of a retail store and require site plan approval.

10.14.1 Applicability

Temporary uses occurring on property outside of the public right-of-way, including those operating for less than 30 days within a one-year time period, shall obtain a temporary use permit from the Building Official that outlines conditions of operations to protect the public, health, safety and welfare subject to the standards of 2.9, Temporary Uses.

10.14.2 Application Requirements

- A. An application for a temporary use permit shall be submitted in accordance with 10.3.3, Application Requirements.
- B. The Building Official has established specific submittal requirements for special use permit applications (see Appendix A for requirements).

10.14.3 Building Official Action

- A. Once an application has been determined complete, the Building Official shall have up to 30 days to review the application.
- B. Following completion of the technical reviews by staff, the Building Official shall approve the issuance of a temporary use permit subject to the requirements of 2.9, Temporary Uses.

10.14.4 Revocation of a Temporary Use Permit

A temporary use permit shall be revoked if the Building Official finds that the terms of the permit have been violated or that there is a hazard to the public health, safety and welfare.

10.15 TREE REMOVAL

10.15.1 Applicability

The provisions of this Chapter shall apply to all tree removal except in the following cases, which do not require a notice of intent, a tree survey, or a tree permit:

- A. Where the tree removal is on a residential lot or parcel containing an existing dwelling, used for that purpose, and which is ten acres or less in size.
- B. Where the tree removal is incidental to development on a parcel of land two acres or less in size.
- C. Where no more than five trees per acre on any residential lot or parcel containing an existing dwelling used for that purpose are removed at any one time.
- D. Where the tree removal is incidental to development on a subdivided lot.
- E. Where any existing and approved preliminary plan has been approved by the Land Use Control Board, unless under appeal.
- F. Where conditions of planned development approved by the governing bodies waive or modify the requirements of this Chapter.

10.15.2 Removal Prohibited

Unless specifically exempt from the requirements of this Chapter, it shall be unlawful for any person or entity to commence or cause to be commenced, the removal of any existing tree, without first:

- A. Having filed a letter of intent with the Planning Director;
- B. If required, having filed a tree survey with the Planning Director; and
- C. If required, having received a tree removal permit.

10.15.3 Application Requirements

- A. An application for tree removal shall be submitted in accordance with 10.3.3, Application Requirements.
- B. The Planning Director has established specific submittal requirements for applications for tree removal (see Appendix A for requirements).

10.15.4 Notice of Intent

No more than 45 and no less than ten working days before the removal of any existing trees a notice of intent shall be filed with the Planning Director.

10.15.5 Tree Survey Required

A tree survey shall be required for any removal of trees subject to this Chapter in order to determine compliance with the maximum tree removal standards of 8.1, Tree Protection. The following shall be exempt from the survey requirement:

- A. Parcels placed in the USDA Conservation Reserve Program shall not require a tree survey or a permit. A notice of intent shall be required, but no fee shall be charged for such properties.
- B. Where tree removal is incidental to a timber harvesting operation, no tree survey shall be required and no application fee shall be charged (see also 8.1, Tree Protection).

10.15.6 Tree Removal Plan

- A. Before the issuance of a permit for tree removal, an applicant shall submit a tree removal plan to the Planning Director.
- B. All tree removal plans shall be reviewed by the Planning Director for conformance to the provisions of this Chapter and either approved, returned for revisions, or denied within ten working days of receipt. If denied or returned for revisions, the reasons for denial or revision shall be stated in writing and forwarded to the applicant. Amendments to tree removal plans shall be reviewed in the same manner.
- C. The development requirements contained in an approved tree removal plan, including established drainage design, tree planting and preservation requirements and all other landscaping requirements, shall continue to follow equitable ownership for one year after certificate of occupancy or until an amendment to the plan is duly authorized. Amendments to the plan shall not be required in cases where the Planning Director has determined that the plan is out of compliance due to an Act of God.

10.15.7 Period of Validity

Unless otherwise specified, a tree permit shall automatically expire and become void if the work authorized by such permit is not commenced within 24 months after the date of the permit.

10.16 SIGN PERMIT

Editor's Note: Add City Center Design Review Board procedure for Sign Review in

10.16.1 Applicability

- A. Except for signs listed in 7.7, Signs, no sign shall be constructed, erected, relocated, expanded or altered in any manner until a sign permit has been issued by the Building Official. A common signage plan may be required before a sign permit can be issued (see 10.17, Common Signage Plan).
- B. The Building Official shall not be required to issue a sign permit unless such sign complies with the provisions of this development code, and all other applicable ordinances and regulations of the City or County.

10.16.2 Application Requirements

- A. An application for a sign permit shall be submitted in accordance with 10.3.3, Application Requirements.
- B. The Building Official has established specific submittal requirements for a sign permit application (see Appendix A for requirements).

10.16.3 Building Official Action

Following completion of the technical reviews by staff, the Building Official shall approve the sign permit, provided the sign meets all requirements of this development code, and all other applicable electrical and building code requirements.

10.16.4 Decals Required

A. On-Premise Signs

- 1. A numbered identification decal shall accompany each permit issued for an on-premise sign. The decal shall be displayed on the sign to which it has been assigned. The applicant shall attach the decal in a conspicuous location which is accessible to the Building Official.
- 2. When the Building Official determines that a numbered identification decal has not been posted on a sign, the Building Official shall notify the owner of the sign in writing by certified mail that unless the numbered identification decal is posted on the sign within 30 days after the date such notice is mailed, the sign shall be considered illegal and the Building Official shall initiate the necessary proceedings to secure removal of the sign.

B. Off-Premise Signs

- 1. Two identification decals shall accompany each permit issued for an off-premise sign. One decal shall be placed on the sign face displaying the name of the current owner. The remaining decal shall be placed at eye level on the pole displaying the meter box address of the sign. All off-premise signs shall comply prior to final inspections.
- 2. When the Building Official determines that the identification decals have not been posted on a sign, the Building Official shall notify the owner of the sign in writing by certified mail that unless the identification decals are posted on the sign within 30 days after the date such notice is mailed, the sign shall be considered illegal and the Building Official shall initiate the necessary proceedings to secure removal of the sign.

10.16.5 Temporary Signs

A temporary sign permit shall be issued in accordance with 7.7, Signs. A common signage plan shall not be required for applications for temporary sign permits.

10.16.6 Revocation of a Sign Permit

The sign permit shall be revoked if a sign is found to be in violation of this development code, or other applicable electrical and building code requirements.

10.17 COMMON SIGNAGE PLAN

Editor's Note: Expansion of existing procedure currently required at time of site plan submittal

10.17.1 Applicability

Prior to the issuance of a sign permit for one or more buildings or businesses in the same project, a common signage plan shall be required. Applications for temporary sign permits shall not be required to submit an approved common signage plan.

10.17.2 Application Requirements

- A. An application for a common signage plan shall be submitted in accordance with 10.3.3, Application Requirements. Where an application for site plan review (see 10.12) is required, the common signage plan shall be provided concurrently.
- B. The Planning Director has established specific submittal requirements for a common signage plan (see Appendix A for requirements).

10.17.3 Planning Director Action

- A. Following completion of the technical reviews by staff, the Planning Director shall approve the common signage plan, provided the sign meets all requirements of this development code, and all other applicable electrical and building code requirements.
- B. The Planning Director may allow modifications to the lettering style to accommodate state and federally registered trademarks (logos) if the Planning Director feels that the intent of the common signage plan requirements is maintained. In allowing modifications, the Planning Director may limit the logo size. The requirements of a common signage plan shall apply to all tenants within a related project, even if the properties have been subdivided.

10.17.4 Revisions and Amendments

- A. Revisions or amendments to the common signage plan shall require documentation from all tenants on the property prior to approval.
- B. It shall be the responsibility of the applicant to enforce the terms of the common signage plan, and a current copy of such plan, including any amendments, must be kept on file by the Planning Director.

10.17.5 Existing Signs Not Conforming to Common Signage Plan

If any new or amended common signage plan is filed for a property on which existing signs are located, it shall include a schedule for bringing into conformance, within three years, all signs not conforming to the proposed amended plan or to the requirements of this development code in effect on the date of submission.

10.17.6 Binding Effect

After approval of a common signage plan, no sign shall be erected, placed, painted, or maintained, except in conformance with such plan, and such plan may be enforced in the same way as any provisions of this development code.

10.18 CERTIFICATE OF OCCUPANCY

10.18.1 Purpose

Certificates of occupancy are required to insure that completed structures and the development of property of which such structures are a part comply with the provisions of this development code, any site plans or special approvals, and the building code.

10.18.2 Authority

The Building Official shall have the authority to issue certificates of occupancy in accordance with the provisions this development code.

10.18.3 Certificate of Occupancy Required

- A.** It shall be unlawful for an owner or any other person to use or permit the use of any building or premises or part thereof, hereafter created, changed, converted, or enlarged, wholly or partly, until a certificate of occupancy has been issued by the Building Official.
- B.** The certificate of occupancy shall show that the building or premises, and their proposed uses, are in conformity with the provisions of this development code. Single-family detached, single-family attached, townhouse, and large homes housing types shall require only a final inspection and the certificate of occupancy is optional.

10.18.4 Application Requirements

- A.** An application for a certificate of occupancy shall be submitted in accordance with 10.3.3, Application Requirements.
- B.** The Building Official has established specific submittal requirements for a certificate of occupancy application (see Appendix A for requirements).

10.18.5 Building Official Action

- A.** The Building Official shall inspect the property which is the subject of an application within seven calendar days after a completed application has been filed and shall issue a certificate of occupancy if the property complies with the provisions of this development code, any site plans or special approvals, and the building code. A certificate of occupancy shall be issued when final inspection is completed for single-family detached, single-family attached, townhouse, and large homes housing types without a separate application or fee.
- B.** If the property does not comply, the Building Official shall deny the application in a written notice mailed to the applicant within five days after the inspection of the property, specifying the grounds for disapproval.

10.18.6 Temporary Certificates of Occupancy

The Building Official may issue a temporary certificate of occupancy if a structure is not yet completed but is determined to be safe and habitable and the premises otherwise comply with the provisions of this development code and the building code.

10.19 WRITTEN INTERPRETATIONS**10.19.1 Applicability**

When uncertainty exists, the Building Official, after consultation with the Planning Director and the City or County Attorney, shall be authorized to make all interpretations concerning the provisions of this development code.

10.19.2 Application Requirements

- A. A request for a written interpretation shall be submitted in accordance with 10.3.3, Application Requirements.
- B. The Building Official established specific submittal requirements for a written interpretation request (see Appendix A for requirements).

10.19.3 Building Official Action

- A. The Building Official shall review and evaluate the request in light of the text of this development code, the Zoning Map, any applicable adopted plan (see 1.6) and any other relevant information;
- B. Following completion of the technical reviews by staff, the Building Official shall render an opinion.
- C. The interpretation shall be provided to the applicant in writing.

10.19.4 Official Record

The Building Official shall maintain an official record of all interpretations and shall provide a copy of all interpretations to the Planning Director. The record of interpretations shall be available for public inspection during normal business hours.

10.20 ADMINISTRATIVE DEVIATION

10.20.1 Applicability

During the site plan review process, the Planning Director is authorized to approve administrative deviations to the standards listed below, where, owing to special conditions, strict enforcement of certain would be physically impractical. This optional process shall occur only where the applicant requests an administration deviation to a standard as specified below.

10.20.2 Permitted Deviations

The Planning Director shall review the request in light of the intent and purpose of district requirements. The Planning Director shall have the authority to approve an administration deviation for the following standards:

A. Building and Parking Placement

1. Setback encroachment – increase of up to ten percent of the maximum permitted setback.
2. Required building frontage (minimum percentage of build-to) – reduction of up to five percent of required length.
3. Parking setback – decrease of up to five percent of the minimum required setback.

B. Elements

1. Transparency (minimum and maximum percent) – up to five percent.
2. Blank wall area – increase of up to ten percent of the maximum permitted blank wall area.
3. Building entrance – reduction up to ten percent minimum required transparency.
4. Recessed entry – up to ten percent of the maximum permitted depth.

C. Height

1. Minimum and maximum floor heights – up to ten percent for any one floor, limit of five percent for any cumulative increase or decrease in building height.
2. The minimum ground floor elevation – up to ten percent

10.20.3 Unlisted Deviations

Any request for deviation from the provisions of this development code not listed above shall be reviewed by the Board of Adjustment as provided in 10.21, Variance.

10.20.4 Application Requirements

- A. A request for an administrative deviation shall be submitted in accordance with 10.3.3, Application Requirements.
- B. The Planning Director has established specific submittal requirements for a request for an administrative deviation (see Appendix A for requirements).

10.20.5 Administrative Deviation Criteria

To approve an administrative deviation, the Planning Director shall make an affirmative finding that all of the following criteria are met:

- A. An administrative deviation does not conflict with streets, sidewalks, easements or landscape requirements.
- B. An administrative deviation does not injure or damage the use, value or enjoyment of surrounding property or hinder or prevent the development of surrounding property.
- C. An administrative deviation does not have an adverse impact on land use compatibility.
- D. An administrative deviation does not materially and adversely affect adjacent land uses and the physical character of uses in the immediate vicinity of the proposed.
- E. An administrative deviation will not have an adverse impact on the urban form and/or the street-space.

10.21 VARIANCE

10.21.1 Applicability

- A. The Board of Adjustment may vary certain requirements this development code that will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the certain provisions of this development code, will, in an individual case, result in practical difficulty or unnecessary hardship. In granting a variance, the Board of Adjustment shall ensure that the spirit of this development code shall be observed, public safety and welfare secured, and substantial justice done.
- B. The Board of Adjustment shall have authority to vary the dimensional standards of this development code, except for those associated with subdivision (see 10.7.7F for subdivision waivers).
- C. The Board of Adjustment shall not have jurisdiction or power to grant a use variations. Any use variation shall be approved by governing bodies in accordance with 10.6, Special Use Review.

10.21.2 Application Requirements

- A. A request for a variance shall be submitted in accordance with 10.3.3, Application Requirements.
- B. The Planning Director has established specific submittal requirements for a request for a variance (see Appendix A for requirements).

10.21.3 Burden of Proof

The applicant seeking the variance shall have the burden of presenting evidence sufficient to allow the Board of Adjustment to reach the conclusions set forth below as well as the burden of persuasion on those issues.

10.21.4 Planning Director Action

The Planning Director shall provide the Board of Adjustment with a copy of the application and all relevant materials pertaining to the request.

10.21.5 Board of Adjustment Action

- A. Not less than 21 or more than 54 days after an application has been determined complete, the Board of Adjustment shall hold a public hearing and give notice in accordance 10.3.4, Public Hearings and Notification.
- B. Prior to the adjournment of the meeting at which such public hearing is concluded, the Board shall act on the requested variance, or take the matter under advisement, or defer decision until the next regular meeting of the Board. Notice of the Board's decision, along with its written findings shall be mailed to the applicant.

10.21.6 Findings of Fact

The Board of Adjustment must make specific written findings of fact on each variance request. In granting any variance, the Board of Adjustment shall make the following findings:

- A. That special or unique circumstances or conditions or practical difficulties exist which apply to the land, buildings or uses involved which are not generally applicable to other land, buildings, structures, or uses in the same zoning districts;
- B. Granting the variance requested will not confer upon the applicant any special privileges that are denied to other residents of the district in which the property is located.
- C. A literal interpretation of the provisions of this development code would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located.
- D. The requested variance will be in harmony with the purpose and intent of this development code and will not be injurious to the neighborhood or to the general welfare.
- E. The special circumstances are not the result of the actions of the applicant.
- F. The variance requested is the minimum variance that will make possible the legal use of the land, building, or structure.
- G. The variance is not a request to permit a use which is not otherwise a permitted use in a particular zoning district
- H. The variance is not granted simply because by the granting the variance, the property could be utilized more profitably or that the applicant would save money.

10.21.7 Conditions on Variances

- A. The Board of Adjustment may set forth conditions in the written resolution granting a variance. Such conditions may relate to screening, landscaping, location and other conditions necessary to preserve the character of the area and protect property in the near vicinity. A violation of such conditions shall be a violation of this development code.
- B. The Building Official shall determine when the applicant has complied with the conditions set forth in the resolution granting the variation.

10.21.8 Effect of Granting a Variance

The grant of a variance shall not allow the development of the property for which a variance was granted but shall merely authorize the filing of applications for required permits and approvals, including, but not limited to, building permits and certificates of occupancy.

10.22 APPEALS

An appeal by any person aggrieved by a final order, interpretation or decision with regards to the provisions of this development code may be taken as set forth below.

10.22.1 Administrative Action**A. Applicability**

An appeal by any person aggrieved by a final order, interpretation or decision of the Planning Director, Building Official or other administrator in regards to the provisions of this development code may be taken to the Board of Adjustment.

B. Application Requirements

1. An appeal of an administrative decision shall be taken by filing a written notice of appeal specifying the grounds for the appeal with the Planning Director and the Board of Adjustment.
2. A application for an administrative appeal shall be submitted in accordance with 10.3.3, Application Requirements.
3. A notice of appeal of an administrative decision shall be considered filed when a complete application is delivered to the Planning Director. The date and time of filing shall be entered on the notice.

C. Board of Adjustment Action

1. An appeal of an administrative decision shall be filed with the Secretary of the Board of Adjustment, and with the aggrieved entity, within five days of receipt of the decision.
2. Not less than 21 days after a notice of appeal is filed, the Board of Adjustment shall hold a public hearing and give notice in accordance with 10.3.4, Public Hearings and Notification.
3. Prior to the adjournment of the hearing, the Board of Adjustment may reverse or affirm (wholly or partly) or may modify the order, requirement, decision, or determination appealed from and shall make any order, requirement, decision or determination that in its opinion ought to be made in the case before it. To this end, the Board of Adjustment shall have all the powers of the officer from whom the appeal is taken. The Board may take the appeal under advisement or defer decision until the next regular meeting of the Board.
4. A motion to reverse, affirm, or modify the order, requirement, decision, or determination appealed from shall include, insofar as practicable, a statement of the specific reasons or findings of fact that support the motion.
5. If a motion to reverse or modify is not made, or fails to receive the affirmative vote of five members necessary for adoption, then appeal shall be denied.
6. Any motion to overturn a decision shall state the reasons or findings of fact that support the motion.

D. Effect of Appeal

1. An appeal shall stay all proceedings in furtherance of the action appealed, unless the administrative official from who the appeal is taken certifies to the Board of Adjustment that, because of facts stated in the certificate, a stay would, in their opinion, cause imminent peril to life or property or that because the violation is transitory in nature a stay would seriously interfere with the effective enforcement of this development code. In that case, proceedings shall not be stayed except by order of the Board of Adjustment or a court, issued on application of the party seeking the stay, for due cause shown, after notice to the administrative official.
2. An appeal shall not stop action lawfully approved (including construction activities authorized by a building permit); only actions presumed in violation of this development code are stayed.

10.22.2 Land Use Control Board Action**A. Right to Appeal**

Any individual appearing or submitting written comments at a Land Use Control Board meeting, or any governmental body submitting comments may appeal a final decision of the Land Use Control Board to the governing bodies.

B. Submission of Appeal

Appeals shall be submitted in writing to the chief administrative officer of the governing bodies. A copy of the appeal shall be sent to the Planning Director.

C. Deadline

Appeals shall be submitted within ten days of receiving official notification.

D. Required information

The request for an appeal shall indicate the name and case number of the application, the date of the Land Use Control Board action, the specific decision and/or conditions which are being appealed, and the name, address and phone number of the appellant.

E. Governing Body Action

1. The appeal shall be scheduled for legislative consideration. Notice shall be sent to the applicant, the appellant, any individual appearing or who submitted written comments at the Land Use Control Board meeting, and members of the Technical Review Committee, not less than ten days or more than 35 days in advance of the scheduled hearing.
2. The governing bodies shall approve the appeal, approve with conditions, or deny the appeal.

F. Revised Plan

A revised plan may be required by the governing bodies following a decision on the appeal.

10.22.3 Landmarks Commission Action

Appeals from any decision of the Landmarks Commission may be taken in accordance with Title 27 of the Tennessee Code.

10.22.4 Board of Adjustment Action

Appeals from any decision of the Board of Adjustment may be taken in accordance with Title 27 of the Tennessee Code.

10.22.5 Governing Body Action

Appeals from any decision of the governing bodies may be taken in accordance with Title 27 of the Tennessee Code.

Article 11. Nonconformities

11.1 PURPOSE

The purpose of this Chapter is to establish regulations and limitations on the continued existence of uses, lots, structures and signs established prior to the effective date of this development code that do not conform to the provisions of this development code. Many such nonconformities may continue, but the provisions of this Chapter are designed to curtail substantial investment in nonconformities and to bring about their eventual elimination, where appropriate, in order to preserve the integrity of the regulations established in this development code.

11.2 NONCONFORMING USES

11.2.1 Authority to Continue

Any lawfully existing nonconforming use of part or all of a structure, or any lawfully existing nonconforming use of land not involving a structure or involving a structure which is accessory to such use of land, may be continued, so long as it remains otherwise lawful, subject to the provisions of paragraphs 11.2.2 through 11.2.6A below.

11.2.2 Ordinary Repair Maintenance

Normal maintenance and incidental repair or replacement, and installation or relocation of non-bearing walls, non-bearing partitions, fixtures, wiring or plumbing, may be performed on any structure that is devoted in whole or in part to a nonconforming use; provided, however, that this Chapter shall not be deemed to authorize any violation of paragraphs 11.2.3 through 11.2.6A below.

11.2.3 Extensions

A nonconforming use shall not be extended, expanded, enlarged or increased in intensity. Such prohibited activity shall include, without being limited to:

- A. Extension of such use to any structure or land area other than that occupied by such nonconforming use on the effective date of this development code, or any amendment to this code that causes such use to become nonconforming.
- B. Extension of such use within a building or other structure to any portion of the floor area that was not occupied by such nonconforming use on the effective date of this development code, or any amendment to this code that causes such use to become nonconforming.
- C. Operation of such nonconforming use in such a manner as to conflict with, or to further conflict with, if already conflicting on the effective date of this development code or any amendments to this code, any use limitations established for the district in which such use is located.
- D. New construction, reconstruction or structural alteration.

11.2.4 Relocation

No structure that is devoted in whole or in part to a nonconforming use shall be relocated in whole or in part to any other location on the same or any other lot, unless the entire structure and the use of the structure after its relocation conform to all the regulations of the district in which the structure and use are located after being so relocated. No conforming use of land shall be relocated in whole or in part to any other location on the same or any other lot, unless such use conforms to all the regulations of the district in which such use of land is located after being so relocated.

11.2.5 Change in Use

A nonconforming use of land or of a structure shall not be changed to any use other than a use permitted in the zoning district in which such land or structure is located. When such nonconforming use has been changed to a permitted use, it shall only be used thereafter for a use permitted in the zoning district in which it is located. For purposes of this paragraph, a use shall be deemed to have been changed when an existing nonconforming use has been terminated and the permitted use has commenced and continued for a period of seven days.

11.2.6 Abandonment or Discontinuance

When a nonconforming use of land or a nonconforming use of part or all of a structure is discontinued or abandoned for a period of 365 consecutive days (regardless of any reservation of an intent not to abandon and to resume such use), such use shall not thereafter be reestablished or resumed. Any subsequent use or occupancy of such land or structure shall comply with the regulations of the district in which such land or structure is located.

A. Damage or Destruction

1. In the event that any structure that is devoted in whole or in part to a nonconforming use is damaged or destroyed, by any means, to the extent of more than 75% of the fair market value of such structure immediately prior to such damage, such structure shall not be restored unless the structure and the use will conform to all regulations of the district in which the structure and use are located.
2. When such damage or destruction is 75% or less of the fair market value of the structure immediately prior to such damage, such structure may be repaired and reconstructed and used for the same purposes as it was before the damage or destruction, provided that such repair or reconstruction is commended and completed within 12 months of the date of such damage or destruction.

11.3 NONCONFORMING STRUCTURES

11.3.1 Authority to Continue

Any nonconforming structure which is devoted to a use which is permitted in the zoning district in which the structure is located may be continued so long as it remains otherwise lawful, subject to the provisions of 11.3.2 through 11.3.4 below.

11.3.2 Enlargement, Repair, Alterations

Any nonconforming structure may be enlarged, maintained, repaired or altered; provided, however, that no such enlargement, maintenance, repair or alteration shall either create an additional nonconformity or increase the degree of the existing nonconformity of all or any part of such structure (see 3.10 for special requirements in any CMU-1, -2, or -3 district and any designated frontage).

11.3.3 Damage or Destruction

- A. In the event that any nonconforming structure is damaged or destroyed, by any means, to the extent of more than 75% of the fair market value of such structure immediately prior to such damage, such structure shall not be restored unless it will conform to the regulations of the district in which it is located.
- B. When such nonconforming structure is damaged or destroyed, by any means by 75% or less of the fair market value of the structure immediately prior to such damage, such structure may be repaired or reconstructed, provided that the repairs or restorations begin and are diligently pursued to completion within 12 months of the date of such damage.

11.3.4 Relocation

No nonconforming structure shall be relocated in whole or in part to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the district in which such structure is located after being relocated.

11.4 NONCONFORMING ACCESSORY USES AND STRUCTURES

No use or structure which is accessory to a principal nonconforming use or structure shall continue after such principal use or structure shall have ceased or terminated, unless such accessory use or structure shall thereafter conform to all the regulations of the district in which it is located.

11.5 NONCONFORMING LOTS OF RECORD

11.5.1 Authority to Use For Single-Family Residence

In any district in which single-family detached dwellings are a permitted use, notwithstanding the regulations imposed by any other provisions of this development code, a single-family detached dwelling which complies with the restrictions of paragraph 11.5.2 below may be erected on a nonconforming lot that is not less than 25 feet in width, and which:

- A. Has less than the prescribed minimum lot area, width and depth, or any of them; and
- B. Is shown by a recorded plan or deed to have been a lot of record owned separately and individually from adjoining tracts of land at a time when the creation of a lot of such size, depth and width at such location would not have been prohibited by any zoning or other ordinance; and
- C. Has remained in separate and individual ownership from adjoining tracts of land continuously since March 6, 1956.

11.5.2 Regulations for Single-Family Use of Nonconforming Lots

A nonconforming lot authorized to be used pursuant to paragraph 11.5.1 above may be used for single-family dwellings and permitted accessory uses thereto and no other structures. Construction of the single-family dwelling shall comply with all the regulations (except lot area, width and depth) applicable to single-family dwellings in the district in which such lot is located, except that the following side yard requirements shall apply in place of the side yard requirements otherwise applicable:

- A. The dwellings shall be placed on the lots so as to provide a yard on each side of the dwelling;
- B. The sum of the widths of the two side yards on such lots shall not be less than the smaller of:
 - 1. 25% of the width of the lot; or
 - 2. The minimum total for both side yards prescribed by the building envelope standards of said zoning district; and
 - 3. No side yard shall be less than three feet.

11.6 NONCONFORMING ON-PREMISE AND OFF-PREMISE SIGNS

11.6.1 Applicability

The provisions of this section shall not apply to signs located in the Central Business District within the CBID I and CBID II.

11.6.2 Removal of Illegal Signs

Any sign in existence on the effective date of this development code that was constructed, erected or maintained in violation of the requirements of ordinances or regulations as previously existing, or any sign erected after the effective date of this development code which does not conform to the requirements of 7.7, Signs, shall be deemed illegal and removed, or otherwise made to conform with the current requirements of 7.7, Signs, within 30 days of written notification by the Building Official.

11.6.3 Signs Granted a Variance

Any sign granted a variance by the Board of Adjustment may be continued after the effective date of this development code regardless of any nonconformity with these provisions.

11.6.4 Nonconforming Signs Defined

Any sign in existence on the effective date of this development code that violates or does not conform to the current provisions of 7.7, Signs, but was constructed, erected, or maintained in accordance with the requirements of previously existing ordinances or regulations, shall be regarded as a nonconforming sign.

11.6.5 Alteration, Expansion, Moving

No nonconforming sign shall be changed or altered in any manner which would increase the degree of its nonconformity; be expanded; structurally altered to prolong its useful life; or removed in whole or in part to any other location where it would be nonconforming. Replacing the support structure of the sign shall be considered structurally altering the sign to prolong its useful life.

11.6.6 Removal of Nonconforming Signs

A. Removal by Abandonment, Change of Business

1. Any nonconforming off-premise sign, the use or copy of which is discontinued or removed for a period of six months, regardless of any intent to resume or not to abandon such sign, shall be deemed to be abandoned and shall not thereafter be re-established. Abandonment or obsolescence of a nonconforming sign shall terminate immediately the right to maintain such sign.
2. Any nonconforming on-premise sign, the use or copy of which is discontinued or removed for a period of 365 days, regardless of any intent to resume or not to abandon such sign, shall be deemed to be abandoned and shall not thereafter be re-established. Abandonment or obsolescence of a nonconforming sign shall terminate immediately the right to maintain such sign.
3. Any period of such discontinuance caused by government actions, strikes or acts of God, without any contributing fault by the nonconforming user, shall not be considered in calculating the length of discontinuance for the purposes of this paragraph.

B. Removal by Damage or Destruction

Any nonconforming off-premise sign which is partially damaged or destroyed by any means, to beyond 50% of its current market value, that is nonconforming to the requirements of 7.7, Signs, shall not be restored, but shall be removed or reconstructed in conformance with the provisions of 7.7, Signs.

C. Removal of Certain Nonconforming Signs

Nonconforming signs that do not comply with the requirements of 7.7.1B.2, 7.7.1B.3, 7.7.6B, and 7.7.7C shall be removed or shall be made to comply with the requirements of 7.7, Signs, within 12 months of the effective date of this development code.

D. Removal of Nonconforming Signs

1. All nonconforming off-premise signs not otherwise removed in accordance with the provisions of 11.6.6A though 11.6.6C shall be removed within **five years after the effective date of this Article [EXPIRATION DATE?]** unless such signs are made to comply with the provisions of 7.7, Signs, within such five-year period, in which case, they may remain.
2. Removal provisions of this paragraph shall not apply to permanent off-premise signs that do not conform to the 150-foot spacing requirement of 7.7.9B and, shall not apply to permanent off-premise signs greater than 70 square feet in area.
3. Permanent off-premise signs located in the CA District shall be removed within:
 - a. **Ten years [DATE?]** if the sign is located within the unincorporated area of Shelby County but more than five miles from the corporate limits of the City of Memphis; or
 - b. **Five years [DATE?]** if the sign is located within the corporate limits of the City of Memphis, or within five miles of the corporate limits of the City and within the unincorporated area of Shelby County.

E. Removal of Nonconforming Signs Not Repaired Within 60 days

Any nonconforming sign removed for any reason, including voluntary removal, whose reconstruction has not commenced within 60 days shall not be permitted to be replaced unless the replacement sign conforms with all requirements of this development code. A nonconforming sign repaired within 60 days may only be reconstructed or repaired to its original condition as to height, area and in the same location.

F. Removal of Nonconforming Signs Upon Change of Principal Use

Any nonconforming sign shall be removed or brought into compliance with 7.7, Signs, immediately upon a change in the principal use of the site.

11.6.7 Enforcement of Removal

- A. The Building Official shall conduct an inspection of every sign at least once each year to determine whether said sign conforms with the provisions of this development code, including 7.7, Signs, make a written record of each such inspection and make all such reports available for public inspection during regular business hours.
- B. If any sign is not removed as required by this section, the Building Official shall initiate the necessary proceedings to secure removal of such illegal or nonconforming sign, or secure compliance with the provisions of this development code.

- C. Any owner who fails to remove an illegal sign within 30 days of written notification by the Building Official, shall be fined \$100.00 per day until said sign is removed. In the event that an illegal sign is not removed within 90 days of written notification of the owner by the Building Official, the City of Memphis and/or Shelby County are authorized to remove; but are not required to remove, said sign with all reasonable costs associated with the removal to be paid by the owner. The City of Memphis or Shelby County shall have a lien on the property where the illegal sign was located for all reasonable costs that they incur in removing said sign.
- D. Any resident of the City of Memphis or Shelby County is hereby authorized and empowered to initiate the necessary proceedings in Environmental Court to secure removal of an illegal sign if, but only if, the Building Official fails to initiate proceedings against the owner of the illegal sign to secure removal of said sign within 90 days of written notification of the owner by the Building Official as set forth in the preceding paragraph.
- E. Any owner who fails to remove a nonconforming sign within the applicable time, shall be fined \$100.00 per day until said sign is removed. In the event that a nonconforming sign is not removed within the time set forth, the City of Memphis and/or Shelby County are authorized to remove; but are not required to remove, said sign with all reasonable costs associated with removal to be paid by the owner. The City of Memphis or Shelby County shall have a lien on the property where the nonconforming sign was located for all reasonable costs that they incur in removing said sign.
- F. Any resident of the City of Memphis or the County of Shelby is hereby authorized and empowered to initiate the necessary proceedings in Environmental Court to secure removal of a nonconforming sign if removal of the sign is required and if; but only if, the Building Official fails to initiate proceedings against the owner of the nonconforming sign to secure removal of said sign within 90 days of the applicable time.
- G. Upon the determination of the Building Official that a sign remains nonconforming after termination of the allowable time periods provided for above, the Building Official shall notify the sign owner and/or the owner of the land on which the nonconforming sign is located and such owner shall have 30 days after such written notice within which to remove said sign. At the end of the 30-day period, if the sign has not been removed or brought into compliance or properly appealed before the Board of Adjustment, the Building Official shall issue a summons into Environmental Court.
- H. The removal expense may be made a lien upon such real property by the Building Official sending by certified mail to the owner of such real property, a notice of lien for the cost of such removal. The cost of all such mailing and the cost of obtaining the name and address of the owners shall be part of the cost of such removal.

11.6.8 Forfeiture

Any private sign installed or placed on public property shall be forfeited to the public and subject to confiscation, unless it conforms to the requirements of 7.7, Signs. In addition to other remedies granted to it by this section, the Building Official shall have the right to recover from the owner or person placing the sign, the full costs of removal and disposal of the sign in a civil action.

11.7 EXCEPTION FOR REPAIRS PURSUANT TO PUBLIC ORDER

Nothing in this Chapter shall be deemed to prevent the strengthening or restoration to a safe condition of a building, structure or sign in accordance with an order of a public official who is charged with protecting the public safety and who declares such structure to be unsafe and orders it to be restored to a safe condition provided such restoration is not otherwise in violation of the various provisions of this Chapter prohibiting the repair or restoration of partially damaged or destroyed buildings, structures or signs.

Article 12. Enforcement

12.1 IN GENERAL

Any person, firm or corporation violating any of the provisions of this development code shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$50.00. Each day's continuance of a violation shall be considered a separate offense. In addition to the party violating this development code, any other person who may have knowingly assisted in the commission of any such violation shall be guilty of a separate offense.

12.2 SUBDIVISION

12.2.1 Violations

- A. No owner, or agent of the owner, of any parcel of land in a proposed subdivision for which a preliminary plan has been filed shall transfer or sell any such lot or portion of the proposed subdivision before a final plat of such subdivision has been approved by the appropriate governing body in accordance with the provisions of these regulations, and recorded in the office of the Shelby County register.
- B. The subdivision of any lot or any parcel of land, by the use of metes and bounds description for the purpose of sale, transfer, or lease with the intent of evading these regulations, shall not be permitted. All such described subdivisions shall be subject to all of the requirements contained in these regulations.
- C. No street number or building permit shall be issued for the erection of any building or structure located on a lot, tract, or parcel of land which violates the provisions of these regulations.

12.2.2 Penalties

- A. Appropriate actions and proceedings may be taken by law or in equity to prevent any violation of these regulations, to restrain, correct, or abate a violation, or to prevent illegal occupancy of a building, structure or premise.
- B. The appropriate division of public works may request that the appropriate attorney's office initiate legal action to require the bonding company to complete an approved subdivision recorded under the bonding procedure that is in violation of the standard improvement contract or other provisions of these regulations.

12.3 SIGNS

12.3.1 Violations

Any of the following shall be a violation of this development code and shall be subject to the enforcement remedies and penalties as provided below:

- A. To install, create, or erect any sign in a way that is inconsistent with any plan or permit governing such sign or the zone lot on which the sign is located.
- B. To install, create, or erect, any sign requiring a permit without such permit.
- C. To install, create, or erect any sign in a way that is inconsistent with any plan or permit governing such sign or the zone lot on which sign is located.
- D. To fail to remove any sign that is installed, created, erected, or maintained in violation of this development code, or for which the sign permit has lapsed.
- E. To continue any such violation. Each such day of a continued violation shall be considered a separate violation when applying the penalty portions of this Chapter.

12.3.2 Penalties

Any violation or attempted violation of this development code or of any condition or requirement adopted pursuant hereto may be restrained, corrected or abated, as the case may be, by injunction or other appropriate proceedings pursuant to state law. The remedies of the City and/or County shall include, but not be limited to the following:

- A. Issuing a stop-work order for any and all work on any signs on the same zoning lot;
- B. Seeking an injunction or other order of restraint or abatement that requires the removal of the signs or the correction of the nonconformity;
- C. Imposing any penalties that can be imposed directly by the City and/or County under this development code;
- D. Seeking in court the imposition of any penalties that can be imposed by such court under this development code; and

- E. In the case of a sign that poses an immediate danger to the public health or safety, taking such measures as are available to the City and County under the applicable provisions of this development code and the building code for such circumstances.

12.3.3 Cumulative Remedies

All such remedies provided herein shall be cumulative. To the extent that state law may limit the availability of a particular remedy set forth for a certain violation or a part thereof, such remedy shall remain available for other violations or other parts of the same violation.

12.4 TREE PROTECTION

12.4.1 Inspection and Enforcement

- A. The requirements of 8.1, Tree Protection, shall be enforced by the Planning Director. If the Planning Director finds any person, firm or entity engaged in tree removal activity who fails to obtain a required permit or otherwise act in accordance with this Chapter or any permit issued pursuant thereto, the Planning Director may issue a City and/or County ordinance citation charging the person, firm, or entity with violating one or more provisions of this development code.
- B. Mitigation of any disturbed area for which no permit was obtained shall be required. Perimeter areas shall be reforested with a minimum of two times the estimated caliper inches of the trees removed.
- C. The Planning Director shall have the power to conduct such investigations as it may reasonably deem necessary to carry out its duties as prescribed in this Chapter, including but not limited to the power to enter at reasonable times upon any property, public or private, for the purpose of investigating and inspecting the sites of any land disturbing or tree removal activities.

12.4.2 Violations and Penalties

The Planning Director is authorized to issue a stop work order to any person who violates any provision of 8.1, Tree Protection, or rule or order adopted or issued pursuant to 8.1, Tree Protection. Violation of 8.1, Tree Protection, shall be the basis of withholding a final inspection permit and certificate of occupancy until such violation is corrected to the satisfaction of the Planning Director. Violation of this Chapter may also be the basis for injunctive relief, with such actions being brought and enforced through the Environmental Court. In addition, where trees have been removed in violation of this Chapter, the person or entity responsible for tree removal may be required to replace the trees removed with a size and species recommended by the Planning Director or otherwise approved by the court before a final inspection permit and certificate of occupancy is issued.

Article 13. Definitions

Editor's Note: This article will continue to be revised as the draft is prepared.

13.1 WORD USAGE

In the interpretation of this Article, the provisions and rules of this section shall be observed and applied, except when the context clearly requires otherwise:

- A. Words uses in the present tense shall include the future tense.
- B. Words in the singular number include the plural number and words in the plural number include the singular number.
- C. The masculine gender shall include the feminine and the feminine gender shall include the masculine.
- D. The word "shall" is mandatory.
- E. The word "may " is permissive.
- F. The word "person" includes the individuals, firms, corporations, associations and any other similar entities.
- G. The word "City" means the City of Memphis, Tennessee.
- H. The word "County" means Shelby County, Tennessee.
- I. In case of any difference of meaning or implication between the text of this Article and any caption, illustration or table, the text of this Article shall control.
- J. Words not specifically defined herein shall be interpreted in accord with their usual dictionary meaning and customary usage.

13.2 ABBREVIATIONS

For the purpose of these regulations the abbreviations, terms, and words used herein shall be used, interpreted, and defined as set forth below.

AAN: American Association of Nurserymen.

ADA: Americans with Disabilities Act.

CBD: Central Business District.

CMCS: Commercial Mobile Communications Services.

DBH: Diameter Breast Height.

LUCB.: The Memphis and Shelby County Land Use Control Board.

NGVD: National Geodetic Vertical Datum of 1929 (formerly mean sea level datum).

OPD: Memphis and Shelby County Office of Planning and Development - The agency of Memphis and Shelby County created by and assigned the responsibility to carry out the functions of Joint Resolution and Ordinance Number 2524 including the administrative staff to the land use control board.

13.3 DEFINED TERMS

For the purpose of these regulations, certain numbers, terms, and words used herein shall be used, interpreted, and defined as set forth below.

AAN STANDARDS: The American Standard for Nursery Stock, published by the American Association of Nurserymen (AAN), current edition.

ACCESSORY STRUCTURE OR USE: An accessory structure or use is a structure or use which:

1. Is subordinate to and serves a principal building or a principal use;
2. Is subordinate in area, extent and purpose to the principal structure or principal use served;
3. Contributes to the comfort, convenience or necessity of the occupants, business or industry in the principal structure or principal use served; and

4. Is located on the same zoning lot as the principal structure or principal use served.

ADULT ENTERTAINMENT: Adult entertainment means and includes any and all of the following:

1. Adult Book/Video Store: An establishment having as a substantial or significant portion of its stock in trade, books, magazines, videos and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas", as these terms are later defined in this Section, or an establishment with a segment or section devoted to the sale or display of such material.
2. Adult Motion Picture Theater: An enclosed building with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas", as these terms are later defined in this Section, for observation by patrons therein.
3. Adult Mini Motion Picture Theater: An enclosed building with a capacity for less than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas", as these terms are later defined in this Section, for observation by patrons therein.
4. Live Performance: An establishment where "Specified Sexual Activities" or "Specified Anatomical Areas", as these terms are later defined in this Section, are performed live or displayed for actual observation by patrons therein.
5. Adult Novelty Store: An establishment having at least five percent of its retail sales area devoted to adult goods which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" as these terms are later defined in this Section.

AGRICULTURAL PRODUCTS: Grain and vegetable produce, fruits, plants and flowers. For the purpose of this Article, animal products, soil, mulch and other earthen material shall not be considered to be agricultural products.

AIRPORT: The Memphis International Airport, General Dewitt Spain Airport, Charles W. Baker Airport and Navy Memphis.

ALLEY: A public or private right-of-way which affords only a secondary means of access to the property abutting thereon.

ALTER OR ALTERATION: Any exterior change due to or because of new construction, change of materials, demolition or otherwise to buildings, objects, structures or sites. Alteration shall not include ordinary repair and maintenance.

APARTMENT: A room or suite of rooms designed or used as a single dwelling unit, located in a building in which there are two or more such rooms or suites.

APPLICANT: The record owner of a site and/or buildings located thereon, the lessee thereof (with the written approval of the record owner thereof), or a person holding a bona fide contract to purchase the same.

APPROPRIATE DIVISION OF PUBLIC WORKS: The county division of public works or the city engineer of the City of Memphis

APPROPRIATE GOVERNING BODY: Memphis City Council or Shelby County Board of County Commissioners.

AUTOMOTIVE DISMANTLERS AND RECYCLERS: Any person, firm, association, corporation, or trust resident or nonresident who is engaged in the business and/or providing facilities for the purpose of recovering parts from automobiles and trucks which have been wrecked or otherwise rendered inoperable as transportation vehicles with said parts recovered being for resale and further reduce used automobiles and trucks to a condition capable of salvage for their metal scrap content by scrap processors.

AUTOMOTIVE SERVICE STATION: Any building, structure or land used for dispensing, sale or offering for sale at retail of automotive fuel oils and accessories in connection therewith and for the servicing of motor vehicles. When such dispensing, sale or offering for sale is incidental to the conduct of a commercial garage, the premises shall be classified as a commercial garage.

BEVERAGE CONTAINER COLLECTION CENTER: A building or portion of a building used for the incidental storage of beverage containers.

BEVERAGE CONTAINER RECYCLING CENTER: A building or portion of a building used for the crushing of beverage containers commonly used by the general public and the incidental storage of such containers.

BLOCK: A tract of land bounded by streets.

BOARDING HOUSE, ROOMING HOUSE: A building where lodging is provided for compensation for five or more persons, who are not transients, by prearrangement for definite periods, provided that no convalescent or chronic care is provided.

BUILDING: Any structure, place or any other construction built for the shelter or enclosure of person, animals or personal property or any part of such structure when subdivided by division walls or party walls extending to or above the roof and without openings in such separate walls and located within a Local Historic District. The term "building" shall be construed as is followed by the words "or any part thereof."

BUILDING CODE: The Building Codes of the City of Memphis and Shelby County as amended.

BUILDING EXPANSION: Any exterior expansion of an existing building that increases the habitable floor area, or increases the amount of commercial or industrial floor area.

BUILDING FRONT OR FRONTAGE: The exterior wall of a building facing the front lot line of a lot.

BUILDING HEIGHT: The vertical distance measured from grade to the highest point of the roof for flat roofs, to the deck line for mansard roofs or to the mean height between eaves and ridge for gable, hip and gambrel roofs.

BUILDING LINE: The line established by this development code beyond which a building shall not extend.

BUILDING OFFICIAL: The Chief Administrative Head of the City or County Building Department.

BUILDING, PRINCIPAL: A building in which is conducted the main or principal use of the lot on which said building is situated. More than one principal use on a lot may be permitted by this development code.

CERTIFICATE OF APPROPRIATENESS: A document giving approval or approval contingent on meeting certain specified conditions which is issued by the Commission for work proposed by an Applicant.

CERTIFICATE OF OCCUPANCY: The authorization of the Building Official to occupy premises affirming that the use and conditions of the premises comply with this Article or are permitted by a special permit or planned development approved by the legislative body.

CERTIFICATE OF OCCUPANCY, TEMPORARY: An authorization by the Building Official to occupy the premises even though the structure or improvements are not complete but have been judged to be safe and habitable.

CHILD CARE CENTER: Any place or facility operated by any person or entity that provides child care for three or more hours per day for at least 13 children who are not related to the primary caregiver; provided, that a child care agency shall not be classified as a "child care center" that operates as a "group child care home" and keeps three additional school age children; provided, further, that all children, related or unrelated shall be counted in the adult-to-child supervision ratios and group sizes applicable to child care centers; with the exception, that if the child care center is operated in the occupied residence of the primary caregiver, children nine years of age or older who are related to the primary caregiver will not be counted in determining the adult-to-child supervision ratios or group sizes applicable to child care centers if such children are provided a separate space from that occupied by the child care center. The Department may permit children in the separate space to interact with the children in the licensed child care center in such manner as it may determine is appropriate.

CLUB: A building or premises, owned or operated by a corporation, association, person or persons, for a social, education or recreational purpose, to which membership is required for participation and not operated primarily for profit nor to render a service which is customarily carried on as a business.

COMMERCIAL MOBILE COMMUNICATIONS SERVICES (CMCS): Common carriers authorized to provide mobile and fixed wireless telecommunications services to the public, including without limitation, cellular, paging, air to ground, personal communications services, local multipoint distribution services, specialized mobile radio services, and other telecommunications providers. These services shall include towers, equipment, and other accessory uses needed to provide the hardware needed to provide for CMCS.

COMMISSION: The Memphis Landmarks Commission.

COMMON AREA: An area held in private ownership available for use by the occupants of more than one unit and recorded as a lot in the Shelby County register's office.

COMPREHENSIVE PLAN: The plan adopted by the legislative bodies which may consist of maps, data, and other descriptive matter for the physical development of the city and county, or any portion thereof, including any amendments,

extensions, or additions, thereto adopted indicating the general location of major roads, parks, or other public building sites, routes for public utilities, plans for financing public improvements and other similar information, as specified by Joint Resolution and **Ordinance No. 2524** or latest revision thereof.

CONSTRUCTION: The erection of any improvements on any parcel of ground, whether the site is presently improved or unimproved.

CONTRACTOR: A person who contracts to erect structures or buildings, construct streets, lay pipe, move earth or otherwise do land development. A contractor includes a person who contracts to perform all or part of another's contract as defined above.

CONTRACTOR'S STORAGE: The use of land or buildings for the storage or parking of materials, equipment, vehicles or supplies used by a contractor off the premises on which such storage is located.

COUNTRY CLUB: A private club for members, their families and guests, for the purpose of social and recreational activities.

DAY CARE CENTER: A place providing or designed to provide care for less than 24 hours a day for 13 or more children no more than 17 years old and which is licensed by the Tennessee Department of Human Services.

DEMOLITION: The complete or partial removal, except by act of God, of a building, object, structure or site.

DENSITY: The number of dwelling units per acre of gross land area.

DESIGN REVIEW GUIDELINES: Standards set forth by this ordinance and Article which are adopted by the Historic Landmark Commission for a Local Historic District and which are considered by the Commission in granting Certificates of Appropriateness.

DEVELOPMENT PLAN: A plan that identifies the proposed work to be accomplished on any parcel of land, including a site plan identifying trees to be removed and trees to be preserved, protected or planted in accordance with the standards of this section.

DIAMETER BREAST HEIGHT: Trunk diameter measured at five feet from ground level. If a tree splits into multiple trunks below five feet, the trunk is measured at its most narrow point beneath the split.

DISPOSAL: The final disposition of refuse into water or air.

DROP-IN CHILD CARE CENTER:

1. A place or facility operated by any person or entity providing child care for 15 or more children at the same time, none of whom are related to the primary caregiver, for short periods of time as follows:
 - A. Workweek Care
 1. Provided during regular working hours, Monday through Friday, 6:00 a.m. to 6:00 p.m.
 2. No individual child may be in child care for more than seven hours per day or 14 hours per week, exclusive of snow days.
 - B. Evening and Weekend Care
 1. Provided weekday evenings after 6:00 p.m. and weekends beginning on Friday at 6:00 p.m. and ending on Sunday at 10:00 p.m.
 2. An individual child may receive care in excess of seven hours per day, but may not receive care in excess of a total of 20 hours per week, exclusive of snow days.
 - C. Exception for Snow Days. Drop-in care for school age children may exceed the maximum hours listed in parts 1 and 2, above, during snow days.
2. Notwithstanding any other provision to the contrary, drop-in centers operated by not-for-profit organizations that provide child care without compensation for no more than two hours per day with a maximum of ten hours per week, while the parent or other custodian is engaged in short-term activities on the premises of the organization, shall register as providing "casual care" and shall not be deemed to be, or regulated as, a drop-in center.

DWELLING UNIT: Any building or portion thereof providing complete independent permanent facilities for living, sleeping, cooking, eating and sanitation designed for or used exclusively as living quarters by one family but not including a tent, seasonal quarters, travel trailer, a room in a hotel, motel or boarding house.

DWELLING, MULTIFAMILY: A dwelling designed for or occupied by more than two families.

DWELLING, SINGLE-FAMILY ATTACHED: A dwelling designed for and occupied by not more than one family having a wall in common with one other dwelling unit.

DWELLING, SINGLE-FAMILY DETACHED: A dwelling designed for and occupied by not more than one family and surrounded by open space or yards and having no roof, wall, or floor in common with any other dwelling unit.

DWELLING, TOWNHOUSE: A row of three or more adjoining dwelling units, each of which is separated from the others by one or more unpierced common walls extending from ground to roof.

DWELLING, TWO-FAMILY: A building designed for and occupied by not more than two families in separate dwelling units.

EASEMENT: Authorization by a property owner for the use of any designated part of his property by another for a specified purpose.

ELEMENT, COMMON: An amenity or facility, whose maintenance is the responsibility of a homeowners association or comparable group of owners in a nonresidential development, which is regularly available for use by the occupants of more than one dwelling or structure, including, but not limited to, undedicated streets or drives, recreational and parking facilities, open space and sanitary and storm sewers or other drainage facilities.

ENLARGEMENT: In addition to the floor area of an existing building, an increase in the size of any other existing structure or an increase in the portion of a tract of land occupied by an existing use.

EXTERIOR: All outside surfaces of any building, object, structure or site.

FAMILY: In addition to customary domestic servants, either (a) an individual or two or more persons related by blood, marriage or adoption, maintaining a common household in a dwelling unit; or (b) a group of not more than four persons who are not related by blood, marriage, or adoption, living together as a common household in a dwelling unit, or "(c)" a group of eight or fewer unrelated mentally retarded, mentally handicapped or physically handicapped persons, (as certified by any authorized entity including governmental agencies or licensed medical practitioners), and may include three additional persons acting as houseparents or guardians, also need not be related to each other or to any of the mentally retarded, mentally handicapped or physically handicapped persons in the group, living together in a residence licensed, where required by law, by a duly authorized governmental agency, or in other instances, approved by the Planning Director who shall provide any such applicant with written notice of his determination. This (c) definition of "family" does not apply to residences wherein mentally retarded, mentally handicapped or physically handicapped persons reside when such residences are operated on a commercial basis."

FAMILY DAY CARE HOME: A home (an occupied residence) operated by a person for the purpose of receiving therein a minimum of five and a maximum of seven children under 17 years of age, who are not related to such person and whose parent(s) or guardian(s) are not residents in the same house, for less than 24 hours per day for care, without transfer of legal custody.

FLETCHER CREEK DRAINAGE BASIN: The Fletcher Creek Basin is the area that includes two sub-basins: Fletcher and Young, which are defined by the official Drainage Basin Map maintained by the Memphis Engineering Department.

FLOOD, BASE ELEVATION: The elevation of a projected 100-year flood as determined by the respective City and County Engineers, or when provided, the 100-year flood level as determined by the Administrator of the Federal Flood Insurance Program.

FLOOD, FLOODED OR FLOODING: A temporary condition of partial or complete inundation of normally dry land from the overflow of a watercourse.

FLOOD HAZARD BOUNDARY MAP (FHBM): An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.

FLOOD INSURANCE RATE MAP (FIRM): An official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY: The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.

FLOODPLAIN: Land which is not in the floodway and which is adjacent to the floodway with an elevation, without fill, equal to or below the flood base elevation.

FLOODPROOFING: Structural and non-structural additions, changes or adjustments to structures to eliminate or reduce flood damage to such structures and to water and sanitary sewer facilities.

FLOODWAY: Land immediately adjacent to a watercourse which conveys flood waters exceeding the channel capacity of such watercourses.

FLOOR AREA: The sum of the horizontal areas of the several floors of all buildings on a lot measured from the exterior face of exterior walls. The following shall be excluded from calculation of the floor area:

1. Open exterior balconies or other covered open spaces.
2. Uncovered terraces, patios, porches, atriums or steps.
3. Garages, carports or other areas, enclosed or unclosed, used for the parking or circulation of motor vehicles.
4. Areas for housing major mechanical equipment which serves the building as a whole or major portion thereof, but not including utility areas within individual dwelling units.
5. Areas of common special purpose used by a substantial portion of the occupants of the premises, including laundries, recreation areas, sitting areas, libraries, storage areas, common halls, lobbies, stairways and elevator shafts, attics and areas devoted exclusively to management and/or maintenance of the premises, but not including incidental commercial activities.

FLOOR AREA RATIO (FAR): The total square foot amount of floor area on a lot for each square foot of gross land area.

FRATERNITY, SORORITY HOUSE: A dwelling maintained exclusively for members of an organization that is affiliated with an academic or professional college, university, or other recognized institution of higher learning.

FRONTAGE: All the property fronting on one side of a street, measured along such street, between lot lines, an intersecting or intercepting street and another intersecting or intercepting street, a right-of-way in excess of 30 feet, an end of a dead-end street, a river, a lake or a governmental boundary. See also 3.9.6, Frontage Standards.

GARAGE, COMMERCIAL: A building, or portion thereof, other than a private garage, used primarily for the parking and storage of vehicles.

GARAGE, PRIVATE RESIDENTIAL: A garage which is accessory to a residential building and is used primarily for the parking and storage of vehicles owned or operated by the residents of dwelling units located in such building, and not as a separate commercial enterprise available to the public at large.

GRADE: For buildings and structures more than 5 feet from any street line, the average level of the finished surface adjacent to the building or structure. For buildings or structures any portion of which is located within 5 feet of a street line or lines, the curb level or the average of the curb levels, or their equivalent established ground surface, adjacent to such street line or lines.

GROSS LAND AREA: The area of a lot within the property lines.

GROUP DAY CARE HOME: Any facility operated by a person, social agency, corporation or institution, or any other group which receives a minimum of eight and a maximum of 12 children (and up to three additional school-age children who will only be present before and after school, on school holidays, on school snow days, and during school summer vacation) for less than 24 hours per day for care outside their own homes, without transfer of legal custody. Before a group day care home opens, fire safety and environmental inspectors must approve the facility.

GROUP SHELTER: A residence, operated by a public or private agency, which may provide a program of services in addition to room and board to persons on a voluntary basis under continuous protective supervision. "This definition does not include supportive living facilities or personal care homes for the elderly licensed by any duly authorized governmental agencies, or in other instances, approved by the Planning Director (who shall provide any such applicant with written notice of his determination), and thereby allowed by right within all residential zones in accordance with the definition of "family" hereunder."

HEALTH DEPARTMENT: The Memphis and Shelby County health department.

HIGHWAY: Any roadway identified on the MPO Long Range Transportation Plan in the Memphis Urban Area Transportation Study as amended.

HISTORIC PRESERVATION DISTRICT: A Local Historic District established by the City Council requiring Architectural Design Review Guidelines for construction, alteration, addition or demolition of buildings, structures, sites and objects in the public right of way and within the boundaries of the Historic Preservation District.

HOME OCCUPATION: A business, profession, occupation or trade conducted for gain entirely within a residential building or within a structure accessory to a residential building. See also 2.8.4, Home Occupations.

HOMEOWNERS ASSOCIATION: A group of owners of property in a development, which group is responsible for the enforcement of rules and regulations governing the common elements of such development.

HOTEL: A building in which lodging or boarding and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms are made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public in contradistinction to a boardinghouse, a lodging house, or an apartment.

HOTEL (HOURLY RATE): A building in which lodging or boarding and lodging are provided and offered to the public for compensation, and in which ingress and egress to and from all rooms are made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the general public in contradistinction to a boarding house, a lodging house, or an apartment. Such lodging is offered to the public more than twice within any ten hour period.

INSTITUTION: A building occupied or operated by a non-profit society, corporation, individual foundation or governmental agency for the purpose of providing charitable, social, educational or similar services of non-profit character to the public.

LANDFILL: The use of property for the treatment and disposal of trash, refuse, garbage and other solid and liquid waste by means of burial in an excavated area and covering with earthen material. This classification shall not include use of property for the disposal of hazardous wastes as the term is defined by the Tennessee Department of Health and Environment, Division of Waste Management [Chapter 1200-1-11-02-\(1\)-\(c\)](#).

LANDMARK BUILDING: A building which with the approval of the building owner has been designated by the legislative body to be of significant aesthetic, architectural or historical importance or value.

LANDMARK DISTRICT: A geographically definable area which has been designated by the legislative body as an area with a concentration of landmark buildings, objects or sites.

LANDMARK OBJECT: An object which with the approval of the owner has been designated by the legislative body to be of significant aesthetic, functional, or historical importance or value.

LANDMARK SITE: A location with the approval of the property owner is designated by the legislative body as the site of a building, object or past event of significant aesthetic, architectural or historical importance or value.

LANDSCAPING: Landscaping shall consist of any of the following or combination thereof: material such as, but not limited to, grass, ground covers, shrubs, vines, hedges or trees; and non-living durable material commonly used in landscaping, such as but not limited to rocks, pebbles, mulch, walls or fences but excluding paving.

LEGISLATIVE BODY: The City Council of the City of Memphis, Tennessee and/or Board of Commissioners of Shelby County, Tennessee.

LOADING SPACE: An unobstructed, hard surfaced area no part of which is located in any street or public right-of-way and the principal use of which is for the standing, loading or unloading of trucks and trailers.

LOCAL HISTORIC DISTRICT: A geographically definable area which possesses a significant continuity of buildings, sites, structures or objects which are united historically or aesthetically by plan or physical development and which has been designated as a Historic Preservation District by the City Council.

LODGE: A building or premises used for meetings and activities of a fraternal order or society.

LOT: A tract, plot, or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or for building development. See also 3.2, Measurements and Exceptions.

1. Corner lot - A lot which adjoins the point of intersection of two or more streets.
2. Double frontage lot - A lot other than corner lots abutting two or more streets.
3. Flag lots - A lot on which the buildable area is connected to the street by a strip of land, more narrow than the typical minimum lot width required in the zoning ordinance, provided that the width at the front building line at least equals the required lot width of the zoning ordinance.

4. Interior lot - A lot other than a corner lot.

LOT AREA: The total horizontal area included within lot lines.

LOT AREA PER DWELLING UNIT: That amount of the lot area required, by the applicable provisions of this Article, for each dwelling unit located on a lot.

LOT COVERAGE: The percentage of lot area occupied by the ground area of principal and accessory buildings on such lot.

LOT, DEPTH OF: The average horizontal distance between the front and rear lot lines.

LOT LINE, FRONT: In the case of an interior lot abutting upon only one street, the line separating such lot from such street; in the case of a double frontage lot or a corner lot, each line separating such lot from the street shall be considered a front lot line.

LOT LINE, REAR: That lot line which is parallel to and most distant from the front lot line of the lot; provided, however, that in the case of an irregular or triangular lot, a line ten feet in length, entirely within the lot, parallel to, and at the maximum possible distance from, the front lot line shall be considered to be the rear lot line.

LOT LINE, SIDE: Any lot line other than a front or rear lot line.

LOT LINES: The lines bounding a lot.

LOT, MINIMUM AREA: The smallest lot on which a particular use or structure may be located in a particular district.

LOT OF RECORD: A parcel of land that is a lot in a subdivision recorded on the records of the Shelby County Register's Office, or that is described by a metes and bounds description which has been so recorded prior to **March 6, 1956**, or lots exempt from the Subdivision Regulations.

LOT WIDTH: The distance on a horizontal plane between the side lot lines measured at right angles to the lot depth at the minimum front yard line, except for flag-shaped lots.

LOWEST FLOOR: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lower floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

MANUFACTURED HOME: A structure transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure.

MANUFACTURED HOME PARK OR SUBDIVISION, EXISTING: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before November 23, 1982 (Adoption of Ord. No. 3256 FEMA Floodway Maps).

MANUFACTURED HOME PARK OR SUBDIVISION, EXPANSION TO AN EXISTING: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

MANUFACTURED HOME PARK OR SUBDIVISION, NEW: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after November 23, 1982.

MANUFACTURING: The processing and converting of raw, unfinished or finished materials or products, or any of these, into an article or substance of different character, or for use for a different character, or for use for a different purpose.

MAP, ZONING: A map atlas delineating the boundaries of the zoning districts provided for in this Article, as amended from time to time.

MOBILE HOME: A structure manufactured before June 15, 1976, that is not constructed in accordance with the National Manufactured Home Construction and Safety Standards Act of 1974, (42 U.S.C. § 5401 et seq.). It is a structure that

is transportable in one or more sections that in the traveling mode is eight body feet or more in width and 40 body-feet or more in length, or, when erected on site, is 320 or more square feet and that is built on a chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes any plumbing, heating, air conditioning and electrical systems contained in the structure.

MOTEL: A building in which lodging or boarding and lodging are provided and offered to the public for compensation and in which at least a portion of the rooms are directly accessible from a public or private right-of-way, from a parking lot or space or from the exterior of the building. As such, it is open to the public in contradistinction to a boarding house or apartment.

MOTEL (HOURLY RATE): A building in which lodging or boarding and lodging are provided and offered to the public for compensation and in which at least a portion of the rooms are directly accessible from a public or private right-of-way, from a parking lot or space or from the exterior of the building. As such, it is open to the general public in contradistinction to a boarding house or apartment. Such lodging is offered to the public more than twice within any ten hour period.

MUSEUM: A nonprofit, noncommercial establishment operated as a repository or a collection of nature, scientific, or literary curiosities or objects of interest or works of art, not including the regular sale or distribution of the objects collected.

NATIONAL REGISTER OF HISTORIC PLACES: A national listing of buildings, sites, districts and objects which are considered worth of preservation because of their architectural merits or importance in local, regional or national history. Listing on the National Register of Historic Places does not bring a property under provisions of the Landmarks Ordinance unless the property is designated as a Local Historic District by City Council.

NONCONFORMING BUILDING OR STRUCTURE: Any building or structure, other than a sign, lawfully existing on the effective date of this Article, or any amendment to it rendering such building or structure conforming, which does not comply with all of the regulations of this Article, or any amendment hereto, governing parking or space and bulk requirements for the zoning district in which such building or structure is located; or is located on a lot which does not, or is so located on a lot as not to, comply with the yard requirements for the zoning district in which such building or structure is located; provided, however, any building containing more than one dwelling unit in addition to the number permitted by the district regulations in the district where it is located shall be deemed to be a non-conforming use rather than a non-conforming building.

NONCONFORMING LOT OF RECORD: A lot of record which does not comply with the lot requirements for any permitted use in the district in which it is located.

NONCONFORMING SIGN: Any sign lawfully existing on the effective date of this Article, or any amendment to it rendering such sign nonconforming, which does not comply with all of the standards and regulations of this Article or any amendment hereto.

NONCONFORMING USE: Any use lawfully being made of any land, building or structure, other than a sign, on the effective date of this Article, or any amendment to it rendering such use nonconforming, which does not comply with all of the regulations of this Article, or any amendment hereto, governing use for the zoning district in which such land, building or structure is located.

NONRESIDENTIAL USE OR PURPOSE: Any building or portion of a building which is not used as a dwelling unit.

NURSING HOME: An establishment which provide full time convalescent or chronic care, or both, for five (5) or more individuals who are not related by blood or marriage to the operator or who, by reason of advanced age, chronic illness or infirmity, and unable to care for themselves and required skilled medical staff.

OBSTRUCTION: Any tangible inanimate physical object, natural or artificial, protruding above the surface of the ground.

OPEN SPACE: The area of all uncovered space within the gross land area attributed to a lot, plus the area of all eligible covered open space within the lot. (EDITOR'S NOTE: Covered open space is usable open space closed to the sky, but having two (2) clear unobstructed open or partially open sides. Partially open is to be construed as 50% open or more).

OPEN SPACE, COMMON: Open space held in private ownership, recorded in the Office of the Shelby County Register, and regularly available for use by the occupants of more than one dwelling.

ORDINARY REPAIRS AND MAINTENANCE: Any work to correct deterioration, decay or damage to a building, object, structure or site in order to restore the same, as nearly as may be practical, to its condition prior to such deterioration, decay or damage, using materials identical to the original.

OWNER: Includes the holder of legal title as well as holders of any equitable interest, such as trust beneficiaries, contract purchasers, option holders, lessees under leases having an unexpired term of at least ten years, and the like. Whenever a statement of ownership is required by this Article, full disclosure of all legal and equitable interest in the property is required.

PARCEL: A an area of land that to be used, developed, or built upon as a unit under single ownership (and can include multiple lots, sites or tracts that are all under single ownership).

PARKING LOT: Any land area used or intended to be used for the parking of one or more vehicles. See also Vehicular Use Area.

PARKING SPACE: A space for the parking of a motor-driven vehicle within a parking lot and having a permanent means of access to a street right-of-way without requiring passage through another parking space.

PEDESTRIAN WAY: A facility provided primarily for the movement of pedestrians within or between developments.

PERSONAL CARE HOME FOR THE ELDERLY: Any premises operated for persons aged 55 or older, in which food, shelter and personal assistance or supervision are provided for a period exceeding twenty-four (24) consecutive hours for eight (8) or fewer independently mobile adults who are not related to the operator and who require assistance or supervision in such matters as dressing, bathing, diet, or medication prescribed for self-administration, but do not require hospitalization or care in a skilled nursing home or in intermediate care facilities. This definition does not apply to residences wherein mentally retarded, mentally handicapped or physically handicapped persons reside when such residences are operated on a commercial basis.

PHASING: A proposed plan for the completion of a development in increments or stages.

PHILANTHROPIC INSTITUTION: An organization distributing or supported by funds set aside for humanitarian purposes.

PLANNING DIRECTOR: The Director of the Department of Planning, or designee within the Division of Planning and Development.

PRELIMINARY PLAN: The application materials and the preliminary drawing, described in these regulations, indicating the proposed manner or layout of the subdivision.

PREMISES: A lot, plot, or parcel of land, together with the buildings and structures thereon.

PRINCIPAL FACADE : The major ornamental facade or the primary public entrance.

PRIVATE CLUB OR LODGE: A building and related facilities owned or operated by a corporation, association or group of persons for social, educational or recreational purposes of members regularly paying dues, but not primarily for profit nor to render a service which is customarily carried on as a business and which is not a country club.

PRIVATE DRIVE: A facility primarily used for vehicular access to more than one lot owned and maintained by a private entity.

PRIVATE SALES: The sale, on premises used for residential purposes, of property which is owned, utilized, and maintained by an individual or member of a residence, and acquired in the normal course of living in or maintaining a residence, excluding merchandise which was purchased for resale or obtained on consignment and excluding sales of five (5) or less items.

PROCESSING: The procedure adopted by a person or party for the conversion of unprepared scrap materials into prepared grades of metallic suitable for re-melting, rerolling, reforming, extruding and utilization in metallics manufacture, both ferrous and nonferrous.

PROPERTY OWNER'S ASSOCIATION: A legal entity, made up of property owners in a development.

RECYCLING: The reclamation of refuse for reuse.

REFUSE: The worthless or useless part of something that is unused in one operation but possible for use in another capacity or under different circumstances.

REGISTERED ENGINEER: An engineer properly licensed and registered in the State of Tennessee.

REGISTERED SURVEYOR: A surveyor properly licensed and registered in the State of Tennessee.

RESIDENTIAL BUILDING: A building the principal use of which is a residential use.

RESIDENTIAL DISTRICT: Any district whose designation begins with the letter "R" or "AG".

RESIDENTIAL HOME FOR THE ELDERLY, ASSISTED LIVING FACILITY: A building where at least two ambulatory persons, of at least 55 years of age, reside and are provided with food and custodial care for compensation, but not including nursing homes or similar institutions devoted primarily to the care of the chronically ill or the incurable.

RESIDENTIAL USE OR PURPOSE: Any building or portion of a building used as a dwelling unit.

RESTAURANT: An establishment where food is available to the general public primarily for consumption within a structure on the premises and/or which is by design of physical facilities or by service or packaging procedures permits or encourages the purchase of prepared, ready-to-eat foods intended to be consumed off the premises, and where the consumption of food in motor vehicles on the premises is neither permitted nor encouraged and the sale of alcoholic beverages are not provided.

RESTAURANT, DRIVE-IN: An establishment where food is served in disposable containers and which by design of facilities or by the type of service and packaging permits or encourages the purchase of prepared, ready-to-eat food for consumption on the premises in motor vehicles.

RESUBDIVISION: Any subdivision of an existing lot in a recorded subdivision.

RETAIL SALES, OUTDOOR: The sale of goods outdoors or from a motor vehicle.

RETAIL SHOP: An establishment engaged primarily in the sale of goods for personal use or consumption rather than for resale to the ultimate customer.

RIGHT-OF-WAY: Land publicly owned or dedicated for public use as a street herein defined.

SANITARY LANDFILL: The use of property for the treatment and disposal of trash, refuse, garbage and other solid and liquid waste by means of burial in an excavated area and covering with earthen material. This classification shall not include use of property for the disposal of hazardous wastes as that term is defined, by the Rules of the Tennessee Department of Health and Environment, Division of Solid Waste Management, Chapter 1200-1-11-02-(1)-(c).

SCHOOL, PRIVATE: A school which is privately owned or operated with a curriculum comparable to that of a public school.

SCREENING: The use of vegetation, fencing or berms to limit the view and sound of one premises from another.

SHRUBS: Shrubs shall be defined as a self-supporting woody plant, either deciduous or evergreen, with several stems and a normal mature height of three (3) to twenty (20) feet in Shelby County.

SIDEWALK: A paved facility intended primarily for pedestrian access and located within a right-of-way or pedestrian easement.

SINGLE ROOM OCCUPANCY RESIDENCE: A building or buildings under a single management, operated under a governmental assistance program, used to provide small efficiency dwelling units for single individuals, and which may provide by referral or may provide on the site a variety of social, vocational and/or medical services designed and intended to assist those housed in the facility to obtain permanent housing and to care for themselves.

SITE: Any tract of land or group of connected tracts owned or functionally controlled by the same person or entity, including connected tracts owned or functionally controlled by different persons or entities assembled into one site for the purpose of development.

SITE, PERIMETER: The outside boundary of the total site as defined by the proposed (for a zoning change application) or existing (for a proposed planned development) zoning classifications for front, rear, and side yards, except that in no case shall any applicable yard be less than 15 feet in width. The front yard shall not include required reservation of right-of-way for major roads or collector streets.

SPECIFIED ANATOMICAL AREAS:

- A. Less than completely and opaquely covered:
 1. human genitals, pubic region,
 2. buttock,
 3. female breast below a point immediately above the top of the areola;
- B. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse or sodomy;
3. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.
4. Acts of bestiality.

STANDARD IMPROVEMENT CONTRACT: A contract between a subdivider and the appropriate governing body which describes the improvements that are required of the subdivider, specifies the time period the subdivider shall have to complete the required improvements, and fully delineates the responsibilities of each party with respect to the construction and acceptance of any public improvements.

STREET: A right-of-way for vehicular and pedestrian access which is accepted for the public use, and is maintained by the city, county, or state, whether designated as a street, highway, thoroughfare, road, parkway, avenue, boulevard, lane, place, cove, cul-de-sac, or loop.

STREET FRONTAGE: The continuous street-level frontage per block of the principal facade of any single commercial or industrial uses.

STREET LINE: A lot line separating a street from other land.

STRUCTURAL ALTERATION: Any change in either the supporting members of a building, such as bearing walls, columns, beams and girders, or in the dimensions of configurations of the roof or exterior walls.

STRUCTURE: Any object constructed or installed by man, including, but without limitation, buildings, towers, smokestacks and overhead transmission lines and the poles or other structures supporting the same, but not including paving or surfacing of the ground.

SUBDIVIDER: Any person or corporation undertaking the subdivision of land as herein defined.

SUBDIVISION: The division of land into two or more lots in accordance with these regulations.

- C. Rural subdivision - A subdivision that meets the following requirements.
 1. Is located more than three miles from the corporate limits of the City of Memphis; and
 2. Each lot contains at least one acre in area; and
 3. Each lot is located in a single-family residential zoning district; and
 4. Each lot contains a minimum width of 150 feet of road frontage except that flag lots and lots on cul-de-sacs may have less than 150 feet of road frontage but shall have a minimum of 150 feet at the building line.
- D. Urban subdivision - A subdivision that does not meet the requirements of a rural subdivision.

SUPPORTIVE LIVING FACILITY: Any residence licensed, where required by law, by a duly authorized governmental agency, or in other instances approved by the Planning Director, in which eight or fewer unrelated mentally retarded, mentally handicapped or physically handicapped persons, (as certified by any duly authorized entity including governmental agencies or licensed medical practitioners) reside, and may include three additional persons acting as houseparents or guardians who need not be related to each other or to any of the mentally retarded, mentally handicapped or physically handicapped persons residing in the home. This definition does not apply to residence wherein mentally retarded, mentally handicapped or physically handicapped persons reside when such residences are operated on a commercial basis. Also, this definition does not include a nursing home which requires skilled medical staff to provide full time convalescent or chronic care, or both.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction or improvement of a structure the cost of which equals or exceeds 50% of the market value of the structure either before the improvement or repair is started, or if the structure has been damaged, before the damage occurred.

TIMBER HARVESTING. Removal of some or all trees on a parcel of land, not incidental to development of the land for non-agricultural purposes, for the purpose of obtaining income, developing the environment necessary to regenerate the forest, or to achieve some special objective such as the development of special wildlife habitat needs.

TRANSITIONAL HOME: A residence used for the purposes of rehabilitating persons from correctional facilities, mental institutions, and alcoholic and drug treatment centers and operated by a public or private agency duly authorized and licensed by the state, which agency houses individuals being cared for by the agency and deemed by the agency to be capable of living and functioning in a community and which provides continuous professional guidance.

TREATMENT: Any method, technique or process including neutralization designed to change the physical, chemical or biological character or composition of any refuse so as to neutralize such refuse or so as to render such refuse nonhazardous, safer for transport, amenable for recovery or amenable for storage.

TREE: Any self-supporting woody perennial plant, usually with one main stem or trunk, which normally grows to an overall height of at least 15 feet in Shelby County.

TREE, EXISTING: For the purpose of this section, a tree having a ten-inch DBH which is not located in the existing or proposed public right-of-way, does not interfere with required Shelby County slope stabilization treatments or Shelby County required right-of-way sight distance, and is not in a public utility easement. The following trees are not considered as "existing" for purposes of this section:

1. A tree demonstrated to be dead or dying;
2. A tree that is diseased and likely to die if defined as such by the division of planning and development;
3. A tree that is damaged or injured to the extent that it is likely to die or become diseased as defined by the division of planning and development;
4. A tree that is an immediate threat or danger to the health and safety of the general public as determined by the Planning Director of the division of planning and development; or
5. A tree that is listed on the "undesirable" tree list as defined by the division of planning and development.

TREE SURVEY. A graphic illustration of existing trees upon a site which includes reasonably detailed location, diameter and species types.

TRUCK OR MOTOR FREIGHT TERMINAL, SERVICE FACILITY: An establishment engaged in transporting goods or commodities for another business enterprise, including the parking and repair of the motor vehicles used in providing such service.

VEHICULAR USE AREA:

VEHICLE SALES: The display, sales, storage, servicing and repairing of new and used motor vehicles, but not including tractor-trailer motor vehicles.

VEHICLE SERVICE: A building or portion thereof to be used for equipping, servicing and repair of motor driven vehicles, with or without the sale of motor fuels and oils, but not including tractor-trailer motor vehicles.

VEHICLE STORAGE: The use of any premises for outdoor parking of wrecked or abandoned vehicles.

WHOLESALE ESTABLISHMENT: A business engaged in the sale of commodities in quantity, usually for resale or business use, chiefly to retailers, other businesses, industries and institutions.

YARD: A required open space on a lot between a lot line and a building or structure which is unoccupied and unobstructed from grade to the sky, except for the following permitted obstructions:

1. Accessory uses, subject to the provisions of Section 27 of this Article.
2. Statuary, arbors, trellises and barbecue stoves.
3. Awnings and canopies.
4. Bay windows, porches and balconies projecting not more than 42 inches from an exterior wall.
5. Chimneys, flues, fireboxes, belt courses, leaders, sills, pilasters, lintels, ornamental features, cornices, eaves, gutters and the like projecting not more than 24 inches from an exterior wall.
6. Fire escapes or outside stairways projecting from an exterior wall not more than four (4) feet.
7. Flag poles.
8. Non-mechanical laundry drying equipment, except in a front yard.
9. Off-street parking and loading, but only as expressly authorized in Section 28 in this Article.
10. Terraces.

11. Recreational equipment, except in front yards

YARD, FRONT: A yard extending across the entire front of the lot measured between the front lot line of the lot and a line drawn to parallel to the front lot line at the required building line on the lot, or any projections thereof other than those permitted in defining "Yard".

YARD, REAR: A yard opposite from the front yard and parallel to the rear lot line, extending across the entire rear of a lot and measured between the rear lot line and the required building line, or any projection thereof other than those expressly permitted in defining "Yard".

YARD REQUIREMENTS: The regulations of this Article establishing minimum front, side and rear yard requirements and setback requirements for various uses, structures and districts.

YARD, SIDE: A yard extending along a side lot line from the front yard to the rear yard and measured between the side lot line and the required building line or any projection thereof other than those expressly permitted in defining "Yard".

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[TO BE INSERTED]