

**CITY OF MEMPHIS
COUNCIL AGENDA CHECK OFF SHEET**

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: April 23, 2024

DATE

PUBLIC SESSION: April 23, 2024

DATE

ITEM (CHECK ONE)

ORDINANCE _____ RESOLUTION REQUEST FOR PUBLIC HEARING

ITEM CAPTION:

Zoning ordinance amending Ordinance No. 5367 of Code of Ordinance, City of Memphis, Tennessee, adopted on August 10, 2010, as amended, known as the Memphis and Shelby County Unified Development code, to authorize a zoning use district reclassification for land located on the southeast corner of Dexter Lane and Cordova Road +/-1,027.43 feet north of Macon Road. By taking the land out of the Conservation Agriculture (CA) Use District and including it in the Residential Single Family (R-6) Use District, known as case number Z 24 – 001

CASE NUMBER:

Z 24 – 001

LOCATION:

Southeast corner of Dexter Lane and Cordova Road +/-1,027.43 feet north of Macon Road

COUNCIL DISTRICTS:

District 2 and Super District 9 – Positions 1, 2, and 3

OWNER/APPLICANT:

Tammy Nguyen, WHT Properties

REPRESENTATIVES:

David Baker, Fisher Arnold

REQUEST:

Rezoning of +/-3.89 acres from Conservation Agriculture (CA) to Residential Single Family 6 (R-6)

RECOMMENDATION:

The Division of Planning and Development recommended **Approval**
The Land Use Control Board recommended **Approval**

RECOMMENDED COUNCIL ACTION: Public Hearing Required

Set date for first reading – March 19, 2024
Second reading – April 9, 2024
Third reading – April 23, 2024

PRIOR ACTION ON ITEM:

(1) _____	APPROVAL - (1) APPROVED (2) DENIED
<u>02/08/2024</u>	DATE
(1) Land Use Control Board	ORGANIZATION - (1) BOARD / COMMISSION
	(2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

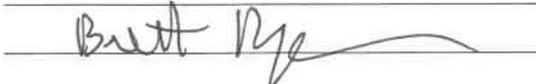
FUNDING:

(2) _____	REQUIRES CITY EXPENDITURE - (1) YES (2) NO
\$ _____	AMOUNT OF EXPENDITURE
\$ _____	REVENUE TO BE RECEIVED

SOURCE AND AMOUNT OF FUNDS

\$ _____	OPERATING BUDGET
\$ _____	CIP PROJECT # _____
\$ _____	FEDERAL/STATE/OTHER

ADMINISTRATIVE APPROVAL:

	<u>DATE</u>	<u>POSITION</u>
	<u>3/12/24</u>	PLANNER I
		DEPUTY ADMINISTRATOR
	<u>3/12/24</u>	ADMINISTRATOR
		DIRECTOR (JOINT APPROVAL)
		COMPROLLER
		FINANCE DIRECTOR
		CITY ATTORNEY

CHIEF ADMINISTRATIVE OFFICER

COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

Z 24 – 001

ZONING ORDINANCE AMENDING ORDINANCE NO. 5367 OF CODE OF ORDINANCE, CITY OF MEMPHIS, TENNESSEE, ADOPTED ON AUGUST 10, 2010, AS AMENDED, KNOWN AS THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, TO AUTHORIZE A ZONING USE DISTRICT RECLASSIFICATION FOR LAND LOCATED ON THE SOUTHEAST CORNER OF DEXTER LANE AND CORDOVA ROAD. BY TAKING THE LAND OUT OF THE CONSERVATION AGRICULTURE (CA) USE DISTRICT AND INCLUDING IT IN THE RESIDENTIAL SINGLE FAMILY – 6 (R-6) USE DISTRICT, KNOWN AS CASE NUMBER Z 24-001

- Approval of this zoning district reclassification will be reflected on the Memphis and Shelby County Zoning Atlas; and
- No contracts are affected by this item; and
- No expenditure of funds/budget amendments are required by this item.

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday, February 8, 2024**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: Z 2024 – 001

LOCATION: Southeast corner of Dexter Lane and Cordova Road, +/- 1,027.43 feet north of Macon Road

COUNCIL DISTRICT(S): District 2 and Super District 9 – Positions 1, 2, and 3

OWNER/APPLICANT: Tammy Nguyen, WHT Properties

REPRESENTATIVE: David Baker, Fisher Arnold

REQUEST: Rezoning of +/-3.89 acres from Conservation Agriculture (CA) to Residential Single Family 6 (R-6)

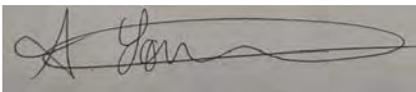
The following spoke in support of the application: None

The following spoke in opposition of the application: None

The Land Use Control Board reviewed the application and the staff report. A motion was made and seconded to recommend approval of the application.

The motion passed by a unanimous vote of 8-0 on the consent agenda.

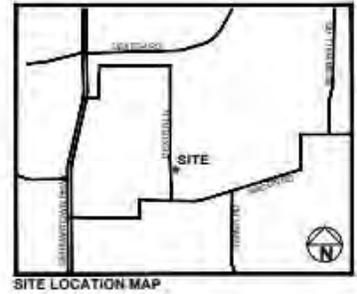
Respectfully,



Alexis Longstreet
Planner I
Land Use and Development Services
Division of Planning and Development

Cc: Committee Members
File

PLOT PLAN



PLOT PLAN DEXTER GROVE SUBDIVISION		
CASE NO. 224-		FORMER CASE NUMBERS:
NUMBER OF LOTS: 14	ACREAGE: 3.89 AC.	DISTRICT: WARD 07 - BLOCK 11 PARCEL 1
DEVELOPER: WHT PROPERTIES 7311 HUNTERS TREE DR MEMPHIS, TN 38120		ENGINEER: FIDLER & ANDRUE INC 3140 CRESTWAIN HILLS DR MEMPHIS, TN 38120
100 YEAR FLOOD ELEVATION CL20 14.8	PCMA MAP PANEL NUMBER: 47407C 43172	PCMA MAP DATE: FEBRUARY 6, 2013
DATE: DECEMBER, 2023	SCALE: 1" = 50'	SHEET 1 OF 2

ORDINANCE NO: _____

ZONING ORDINANCE AMENDING ORDINANCE NO. 5367 OF CODE OF ORDINANCE, CITY OF MEMPHIS, TENNESSEE, ADOPTED ON AUGUST 10, 2010, AS AMENDED, KNOWN AS THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, TO AUTHORIZE A ZONING USE DISTRICT RECLASSIFICATION FOR LAND LOCATED ON THE SOUTHEAST CORNER OF DEXTER LANE AND CORDOVA ROAD +/-1027.43 FEET NORTH OF MACON ROAD. BY TAKING THE LAND OUT OF THE RESIDENTIAL SINGLE-FAMILY – 6 (R-6) USE DISTRICT AND INCLUDING IT IN THE CONSERVATION AGRICULTURE (CA) USE DISTRICT, KNOWN AS CASE NUMBER Z 24-01

WHEREAS, a proposed amendment to the Memphis and Shelby County Unified Development Code, being Ordinance No. 5367 of the Code of Ordinances, City of Memphis, Tennessee, as amended, has been submitted to the Memphis and Shelby County Land Use Control Board for its recommendation, designated as **Case Number: Z 24-01**; and

WHEREAS, the Memphis and Shelby County Land Use Control Board has filed its recommendation and the Division of Planning and Development has filed its report and recommendation with the Council of the City of Memphis; and

WHEREAS, the Council of the City of Memphis has reviewed the aforementioned amendment pursuant to Tennessee Code Annotated Section 13-4-202(B)(2)(B)(iii) and has determined that said amendment is consistent with the Memphis 3.0 General Plan; and

WHEREAS, the provisions of the Code of Ordinances, City of Memphis, Tennessee, as amended, relating to the proposed amendment, have been complied with.

NOW THEREFORE, BE IT ORDAINED, BY THE COUNCIL OF THE CITY OF MEMPHIS:

SECTION 1:

THAT, the Memphis and Shelby County Unified Development Code, Ordinance No. 5367 of the Code of Ordinances, City of Memphis, as amended, be and the same hereby is amended with respect to Use Districts, as follows:

BY TAKING THE FOLLOWING PROPERTY OUT OF THE RESIDENTIAL SINGLE-FAMILY – 6 (R-6) USE DISTRICT AND INCLUDING IT IN THE CONSERVATION AGRICULTURE (CA) USE DISTRICT.

The following property located in the City of Memphis, Tennessee being more particularly described as follows:

BEGINNING AT A POINT IN THE CENTERLINE OF DEXTER LANE, 1,027.43 FEET NORTH OF THE CENTERLINE OF MACON ROAD; THENCE N 00°19'07" W ALONG THE CENTERLINE OF DEXTER LANE A DISTANCE OF 368.37 FEET TO A POINT; THENCE N 89°20'55" E A DISTANCE OF 473.00 FEET TO A POINT; THENCE S 00°19'07" E A DISTANCE OF 386.37 FEET;

THENCE S 89°20'55" W A DISTANCE OF 473.00 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT:

COMMENCING AT THE INTERSECTION OF MACON ROAD CENTERLINE AND DEXTER LANE CENTERLINE; THENCE N 00° 09'24" E A DISTANCE OF 770.55 FEET ALONG THE EXISTING CENTERLINE OF DEXTER LANE TO A POINT; THENCE N 00°11'32" E A DISTANCE OF 256.9 FEET ALONG THE CENTERLINE OF DEXTER LANE TO A POINT; THENCE S 88°26'33" E ALONG THE SOUTH LINE OF SAID PROPERTY A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING; THENCE N 00°11'12" E A DISTANCE OF 93.65 FEET TO A POINT; THENCE S 88°44'11" E A DISTANCE OF 10.6 FEET TO A POINT; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 859 FEET AND A LENGTH OF 90.06 FEET TO A POINT; THENCE S 00°11'12" W A DISTANCE OF 3.83 FEET TO A POINT; THENCE N 88°26'23" W A DISTANCE OF 14.0 FEET TO THE POINT OF BEGINNING AND CONTAINING 1,232 SQUARE FEET.

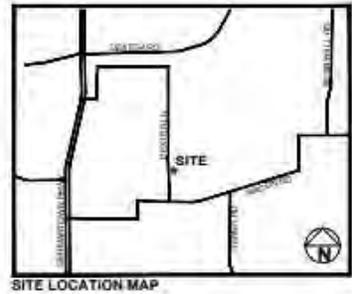
SECTION 2:

THAT, the Zoning Administrator of the Division of Planning and Development be, and is hereby directed to make the necessary changes in the Official Use District Maps to conform to the changes herein made; that all official maps and records of the Memphis and Shelby County Land Use Control Board and the City of Memphis be, and they hereby are, amended and changed so as to show the aforementioned amendment of the said Zoning Ordinance.

SECTION 3:

THAT, this ordinance take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of the Mayor in writing by the comptroller, and become effective as otherwise provided by law.

PLOT PLAN



PLOT PLAN DEXTER GROVE SUBDIVISION		
CASE NO. 224		FORMER CASE NUMBERS
NUMBER OF LOTS 16	ACREAGE 2.89 AC.	DISTRICT WARD ST. BLOCK # PARCEL #
DEVELOPER: WIT PROPERTIES 7317 HUNTERS TREE DR MEMPHIS, TN 38120	ENGINEER: FISHER & ARNDT, INC. 3140 CRESTWYN HILLS DR. MEMPHIS, TN 38125	
100 YEAR FLOOD ELEVATION 627.148	REMA MAP PANEL NUMBER: 47470C 03125	REMA MAP DATE: FEBRUARY 6, 2013
DATE: DECEMBER, 2022	SCALE: 1" = 50'	SHEET 1 OF 2

ATTEST:

**CC: Division of Planning and Development
– Land Use and Development Services
– Office of Construction Enforcement
Shelby County Assessor**

AGENDA ITEM: 25

CASE NUMBER: Z 2024-001 **L.U.C.B. MEETING:** February 8, 2024

LOCATION: 0 Dexter Lane (Tax Parcel #09101100001)

COUNCIL DISTRICT: District 2 and Super District 9 – Positions 1, 2, and 3

OWNER/APPLICANT: Tammy Nguyen, WHT Properties

REPRESENTATIVE: David Baker

REQUEST: Rezoning from Conservation Agriculture (CA) District to Residential Single Family – 6 (R-6) District to allow for a subdivision.

CONCLUSIONS

1. The applicant is requesting a rezoning for +/- 3.89 acres from Conservation Agriculture to Residential Single Family – 6.
2. This parcel is surrounded by residential properties and residential zoning districts.
3. This zoning request corresponds with the companion subdivision request known as S 2024-001.
4. The proposed parcel is currently vacant.
5. This request is consistent with the Memphis 3.0 Comprehensive Plan and would not have a detrimental impact on its vicinity.

CONSISTENCY WITH MEMPHIS 3.0

This proposal is consistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on page 14 - 16 of this report.

RECOMMENDATION

Approval

GENERAL INFORMATION

Street Frontage: Cordova Road +/-461.8 linear feet
Dexter Lane +/-377.2 linear feet

Zoning Atlas Page:

Parcel ID: 091011 00001

Area: +/- 3.89 acres

Existing Zoning: Conservation Agriculture (CA)

Requested Zoning: Residential Single-Family – 6 (R-6)

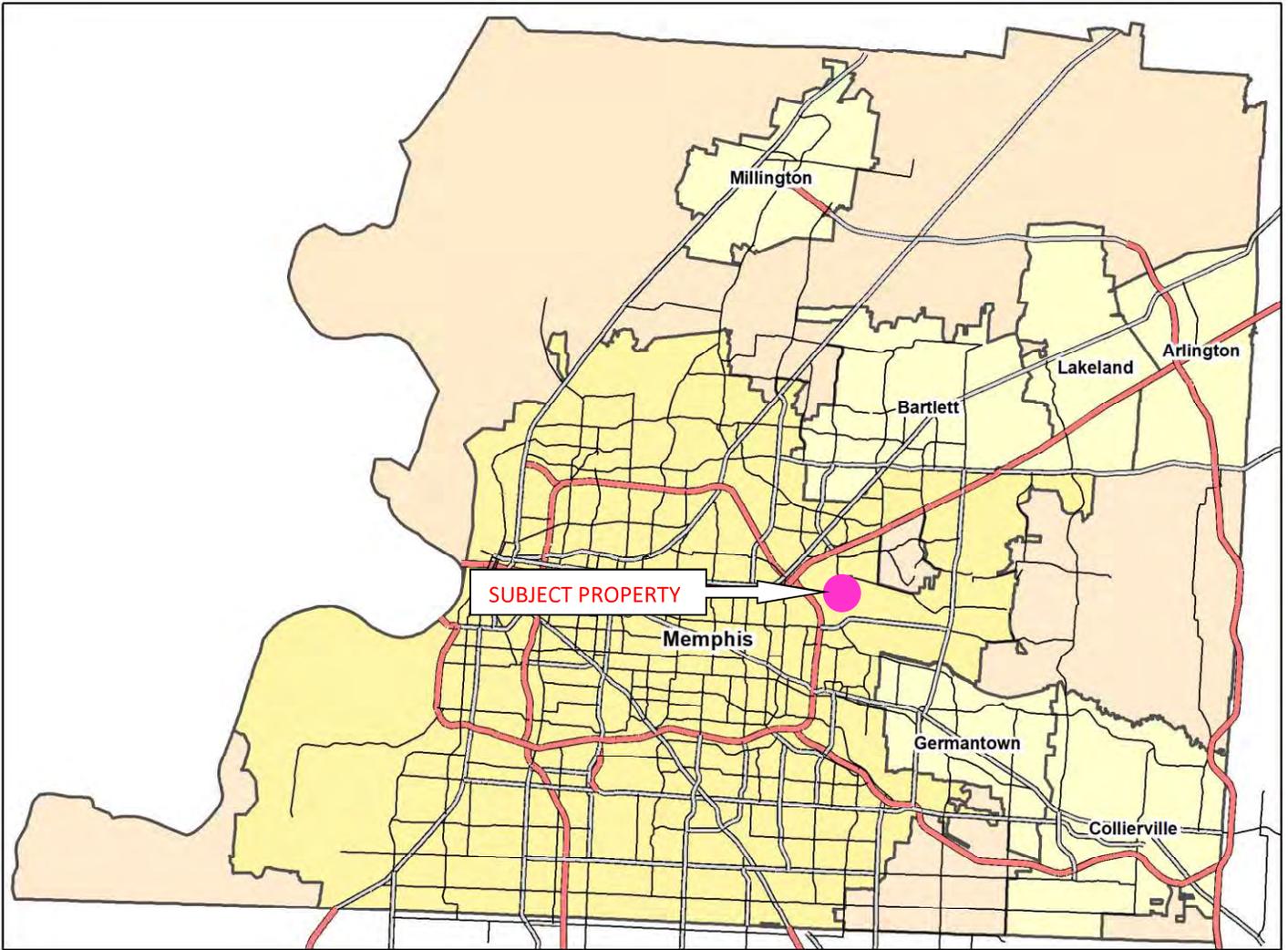
NEIGHBORHOOD MEETING

The meeting was held at 5:00 PM on Monday, January 22, 2024, at Gill Properties, 8130 Macon Station, Suite 114.

PUBLIC NOTICE

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 149 notices were mailed on January 12, 2024, and a total of 1 sign posted at the subject property. The sign affidavit has been added to this report. See page 20 for the sign affidavit.

LOCATION MAP



Subject property located within the pink circle, Cordova Neighborhood

AERIAL



Subject property outlined in yellow, imagery from February 2023

ZONING MAP



Subject property highlighted in yellow

Existing Zoning: Conservation Agriculture (CA)

Surrounding Zoning

North: CA

East: CA

South: Residential Single-Family – 6 (R-6)

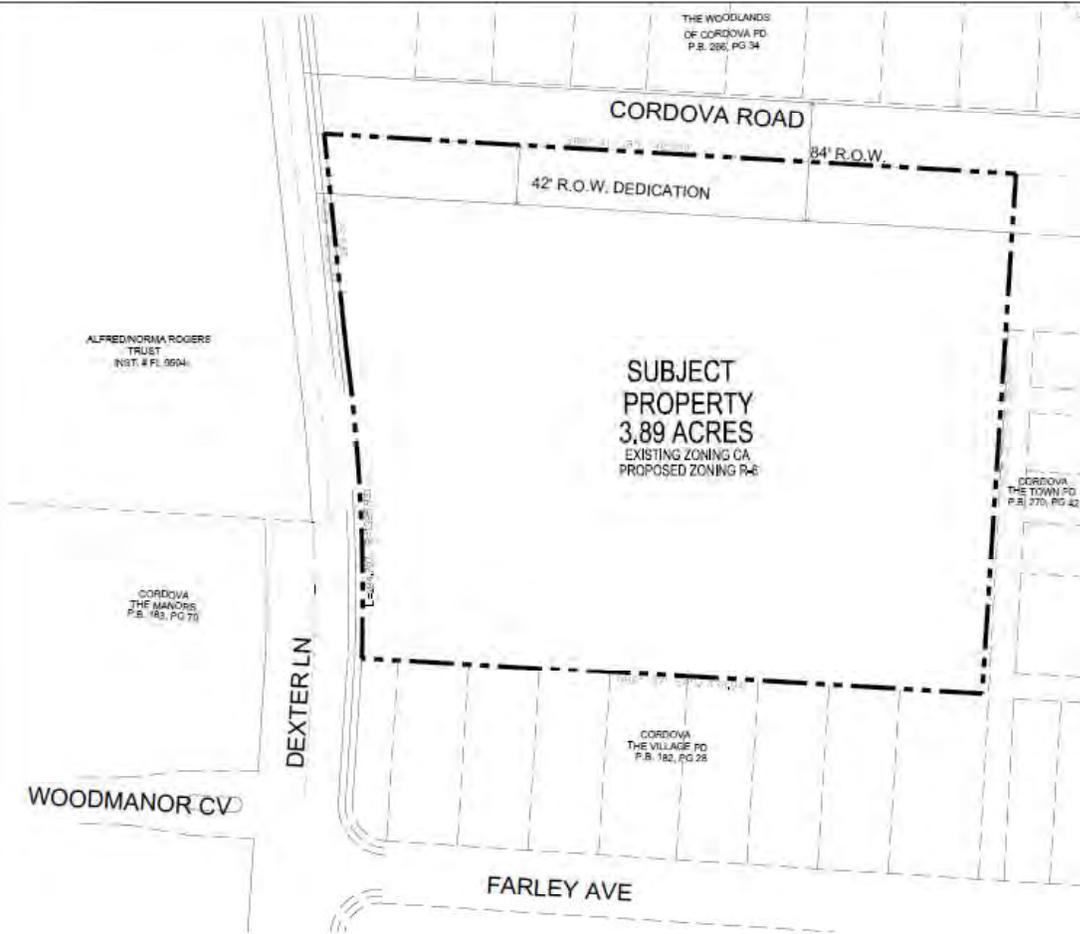
West: Residential Single-Family – 8 (R-8) and CA

LAND USE MAP



Subject property outlined in electric blue and indicated by pink stars

PLOT PLAN



PLOT PLAN DEXTER GROVE SUBDIVISION		
CASE NO.: Z 24-		FORMER CASE NUMBERS:
NUMBER OF LOTS: 16	ACREAGE: 3.89 AC.	DISTRICT: WARD 91, BLOCK 11, PARCEL 7
DEVELOPER: WHT PROPERTIES 7311 HUNTERS TREE DR MEMPHIS, TN 38120	ENGINEER: FISHER & ARNOLD, INC 9180 CRESTWYN HILLS DR. MEMPHIS, TN 38125	
100 YEAR FLOOD ELEVATION: ELEV. N/A	FEMA MAP PANEL NUMBER: 47147C 0317C	FEMA MAP DATE: FEBRUARY 6, 2013
DATE: DECEMBER, 2023	SCALE: 1" = 50'	SHEET: 1 OF 2

SITE PHOTOS



View of subject property from corner of Cordova Road and Dexter Lane



View of subject property from Dexter Lane



View of subject property from Cordova Road

STAFF ANALYSIS

Request

The application and letter of intent have been added to this report.

The request is to rezone +/- 3.89 acres from Conservation Agriculture (CA) District to Residential Single Family – 6 (R-6) District to allow for a subdivision.

Review Criteria

Staff agrees the review criteria as set out in Sub-Section 9.5.7B of the Unified Development Code are met.

9.5.7B Review Criteria

In making recommendations, the Land Use Control Board shall consider the following matters:

- 9.5.7B(1) Consistency with any plans to be considered (see Chapter 1.9);*
- 9.5.7B(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;*
- 9.5.7B(3) Suitability of the subject property for uses permitted by the current versus the proposed district;*
- 9.5.7B(4) Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the City or County; and*
- 9.5.7B(5) The availability of adequate police services, fire services, school, road, park, wastewater treatment, water supply and stormwater drainage facilities for the proposed zoning.*

Site Description

The subject property is +/- 3.89 acres located at the corner of Dexter Lane and Cordova Road. The site is currently zoned Conservation Agriculture, and it is vacant land.

Conclusions

In analyzing the pertaining zoning pattern in the immediate area of the subject property, all existing abutting developments (Cordova The Village PD, Cordova The Town PD, and the Woodlands of Cordova PD) permit minimum lot size and minimum lot widths consistent with the minimum requirements of the R-6 Zoning District. This rezoning request is consistent with the development pattern in the immediate vicinity of the site.

RECOMMENDATION

Staff recommends approval

DEPARTMENTAL COMMENTS

The following comments were provided by agencies to which this application was referred:

City/County Engineer:

1. Standard Public Improvement Contract or Right-Of-Way Permit as required in Section 5.5.5 of the Unified Development Code.

Sewers:

2. A sanitary sewer service availability plan and/or a sewer service connection plan is required to be submitted (via 901 portal) to the City Land Development Office for review and approval.

3. A Sewer Development fee may be required per the City of Memphis Sewer Use Ordinance.

4. This site is located in the Fletcher Creek Sewer Basin. The developer will have to apply for a sewer connection permit letter from the Director of Public Works. If approved, the developer will likely have to install an on-site storage tank with off-peak discharge capabilities.

Roads:

5. The Developer shall be responsible for the repair and/or replacement of all existing curb and gutter along the frontage of this site as necessary.

6. All existing sidewalks and curb openings along the frontage of this site shall be inspected for ADA compliance. The developer shall be responsible for any reconstruction or repair necessary to meet City standards.

Traffic Control Provisions:

7. The developer shall provide a traffic control plan to the city engineer that shows the phasing for each street frontage during demolition and construction of curb gutter and sidewalk. Upon completion of sidewalk and curb and gutter improvements, a minimum 5-foot-wide pedestrian pathway shall be provided throughout the remainder of the project. In the event that the existing right of way width does not allow for a 5-foot clear pedestrian path, an exception may be considered.

8. Any closure of the right of way shall be time limited to the active demolition and construction of sidewalks and curb and gutter. Continuous unwarranted closure of the right of way shall not be allowed for the duration of the project. The developer shall provide on the traffic control plan, the time needed per phase to complete that portion of the work. Time limits will begin on the day of closure and will be monitored by the Engineering construction inspectors on the job.

9. The developer's engineer shall submit a Trip Generation Report that documents the proposed land use, scope and anticipated traffic demand associated with the proposed development. A detailed Traffic Impact Study will be required when the accepted Trip Generation Report indicates that the number for projected trips meets or exceeds the criteria listed in Section 210-Traffic Impact Policy for Land Development of the City of Memphis Division of Engineering Design and Policy Review Manual. Any required Traffic Impact Study will need to be formally approved by the City of Memphis, Traffic Engineering Department.

Curb Cuts/Access:

10. The City Engineer shall approve the design, number, and location of curb cuts.

11. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter, and sidewalk.

12. Will require engineering ASPR.

Drainage:

13. A grading and drainage plan for the site shall be submitted to the City Engineer for review and approval prior to recording of the final plat.

14. Drainage improvements, including possible on-site detention, shall be provided under a Standard Subdivision contract in accordance with Unified Development Code and the City of Memphis/Shelby County

Storm Water Management Manual.

15. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.
16. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City and/or County Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City and/or County Engineer's Office. Such maintenance shall include, but not be limited to removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.
17. The developer should be aware of his obligation under 40 CFR 122.26(b)(14) and TCA 69-3-101 et. seq. to submit a Notice of Intent (NOI) to the Tennessee Division of Water Pollution Control to address the discharge of storm water associated with the clearing and grading activity on this site.

General Notes:

18. The width of all existing off-street sewer easements shall be widened to meet current city standards.
19. Development is greater than 1 acre and is located within a sensitive drainage basin.
20. No other utilities or services may occupy sanitary sewer easements in private drives and yards except for crossings. All connections to the sewer shall be at manholes only.
21. All commons, open areas, lakes, drainage detention facilities, private streets, private sewers and private drainage systems shall be owned and maintained by a Property Owner's Association. A statement to this effect shall appear on the final plat.
22. Required landscaping shall not be placed on sewer or drainage easements.

City/County Fire Division: No comments received.

City Real Estate: No comments received.

City/County Health Department: No comments received.

Shelby County Schools: No comments received.

Construction Code Enforcement: No comments received.

Memphis Light, Gas and Water: No comments received.

Office of Sustainability and Resilience: No comments received.

**Office of Comprehensive Planning:
Comprehensive Planning Review of Memphis 3.0 Consistency**

This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: LUCB Z 2024-001: Cordova.

Site Address/Location: 0 Dexter Lane (Tax Parcel # 0910010001)

Overlay District/Historic District/Flood Zone: In the Fletcher Creek District but not in the Historic District or Flood Zone

Future Land Use Designation: Anchor Neighborhood-Mix of Building Types (AN-M)
Street Type: Avenue

The applicant is seeking approval for rezoning from Conservation Agriculture (CA) District to Residential Single-Family- 6 (R-6) District with the intention of developing single-family lots subdivision.

The following information about the land use designation can be found on pages 76 – 122:

1. Future Land Use Planning Map



Red polygon indicates the application site on the Future Land Use Map.

2. Land Use Description/Intent

Anchor Neighborhood-Mix of Building Types (AN-M) are walkable neighborhoods within a 5 – 10-minute walk of a Community Anchor. These neighborhoods are made up of a mix of single-unit and multi-unit housing. Graphic portrayal of AN-M is to the right.



“AN-M” Form & Location Characteristics

NURTURE - Primarily detached, single-family residences. Attached single-family, duplexes, triplexes and quadplexes permitted on parcels within 100 feet of an anchor and at intersections where the presence of such housing type currently exists; Other housing and commercial types along avenues, boulevards and parkways as identified in the Street Types Map where same types exist on two or more adjacent parcels. Height: 1-3 stories. Scale: house-scale.

“AN-M” Zoning Notes

Generally compatible with the following zone districts: RU-2, RU-3, RU-4, R-SD, R-R, MDR, and CMU-1 when located along avenues, boulevards, and parkways as identified in the Street Types Map, in accordance with Form and characteristics listed above.

Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Vacant, CA

Adjacent Land Use and Zoning: Common Area Land and Single-Family; CA, R-6, and R-8

Overall Compatibility: *This requested use is compatible with the land use description/intent, form & location characteristics, and existing, adjacent land use and zoning as the proposed use is present on one or more adjacent parcels.*

3. Degree of Change Map



Red polygon denotes the proposed site in Degree of Change area. The Degree of Change is Nurture.

4. Degree of Change Description

Nurture areas rely primarily on public and philanthropic resources to stabilize the existing pattern of a place. *The proposed application is a private investment. Additionally, it will allow increased density and building height.*

Objectives/Actions Consistent with Goal 1, Complete, Cohesive, Communities N/A

5. Pertinent Sections of Memphis 3.0 that Address Land Use Recommendations N/A

Consistency Analysis Summary

The applicant is seeking approval for rezoning from Conservation Agriculture (CA) District to Residential Single-Family- 6 (R-6) District with the intention of developing single-family lots subdivision.

This requested use is compatible with the land use description/intent, form & location characteristics, and existing, adjacent land use and zoning as the proposed use is present on one or more adjacent parcels.

Nurture areas rely primarily on public and philanthropic resources to stabilize the existing pattern of a place. *The proposed application is a private investment. Additionally, it will allow increased density and building height.*

Based on the information provided, the proposal is CONSISTENT with the Memphis 3.0 Comprehensive Plan.

Summary Compiled by: Faria Urmy, Comprehensive Planning.

APPLICATION



Record Summary for Rezoning

Record Detail Information

Record Type: Rezoning

Record Status: Assignment

Opened Date: January 3, 2024

Record Number: Z 2024-001

Expiration Date:

Record Name: Dexter Grove Subdivision

Description of Work: Proposed Rezoning from CA to R-6 to allow for a 16 lot subdivision

Parent Record Number:

Address:

1260 DEXTER LN, CORDOVA, TN 38016

Owner Information

Primary Owner Name

Y NGUYEN TAMMY

Owner Address

2585 S GERMANTOWN RD, GERMANTOWN, TN 38138

Owner Phone

Parcel Information

091011 00001

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner

Chip Saliba

Date of Meeting

12/07/2023

Pre-application Meeting Type

In Person

GENERAL INFORMATION

Have you held a neighborhood meeting?

No

GENERAL INFORMATION

Is this application in response to a citation from Construction Code Enforcement or Zoning Letter? No
 If yes, please provide additional information -

GIS INFORMATION

Central Business Improvement District No
 Case Layer -
 Class -
 Downtown Fire District No
 Historic District -
 Land Use -
 Municipality -
 Overlay/Special Purpose District -
 Zoning -
 State Route -
 Lot -
 Subdivision -
 Planned Development District -
 Wellhead Protection Overlay District No

Contact Information

Name WHT PROPERTIES **Contact Type** APPLICANT
Address
Phone (901)337-8389

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1528541	Residential Rezoning - 5 acres or less	1	750.00	INVOICED	0.00	01/03/2024
1528541	Credit Card Use Fee (.026 x fee)	1	19.50	INVOICED	0.00	01/03/2024

Total Fee Invoiced: \$769.50

Total Balance: \$0.00

Payment Information

Payment Amount \$769.50 **Method of Payment** Credit Card

LETTER OF INTENT



January 5, 2024

Mr. Chip Saliba, Deputy Administrator, Development Services
Memphis and Shelby County Office of Planning and Development
Land Use Controls
125 N Main Street, Suite 468
Memphis, TN 38104

**RE: DEXTER GROVE REZONING AND SUBDIVISION
MEMPHIS, TENNESSEE**

Dear Chip:

On behalf of WHT Properties, we are pleased to submit this Application for rezoning and the Dexter Grove Subdivision. The proposed development is located at the southeast corner of Dexter Lane and Cordova Road and contains 3.89 acres. Our application(s) requests the rezoning of the property from CA to R-6 and a companion subdivision application requesting the approval of 16 single family residential lots that are in size and character of the adjacent neighborhoods.

Attached with our application is the plot plan, preliminary subdivision application, a schematic landscape plan and representative images of the type housing that will be constructed within the subdivision. With our subdivision, we are requesting a waiver from Article 5.2.7D.1 Standard Street Right of Way width from 36' to 46'. This will allow for the creation of a 10' island in the typical street section.

As always, we look forward to working with the Office of Planning and Development and appreciate your consideration of our request. If there is anything you may need to assist in you review of our proposal, please do not hesitate to contact me.

Sincerely

FISHER & ARNOLD, INC.

David Baker
Manager – Planning and Landscape Architecture

DBB/dbb

Z:\WHT_PROP.0001\PI\planning\documents\application cover letter.doc

SIGN AFFIDAVIT

PUBLIC NOTICE SIGN POSTING AFFIDAVIT

AFFIDAVIT
Shelby County
State of Tennessee

I, David Baker, being duly sworn, deposes and says that at 4:30 pm on the 22nd day of January, 2024, he posted Public Notice Signs pertaining to Case Number Z 24-00 and S 24-001 at the following address: east side of Dexter Ln south of Cordova Rd, providing notice of a Public Hearing before the Land Use Control Board, Memphis City Council, Shelby County Board of Commissioners for consideration of a proposed Land Use Action (Planned Development, Special Use Permit, Use Variance, Zoning District Map Amendment), photograph of said sign being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

David Baker 1/23/24
Owner, Applicant or Representative
Date

Subscribed and sworn to before me this 23rd day of January, 2024.



Hope Rogers
Notary Public

My commission expires: 3/2/2024



Dexter Lane Sign



Enlargement

LETTERS RECEIVED

No letters received at the time of completion of this report.



Record Summary for Rezoning

Record Detail Information

Record Type: Rezoning

Record Status: Assignment

Opened Date: January 3, 2024

Record Number: Z 2024-001

Expiration Date:

Record Name: Dexter Grove Subdivision

Description of Work: Proposed Rezoning from CA to R-6 to allow for a 16 lot subdivision

Parent Record Number:

Address:

1260 DEXTER LN, CORDOVA, TN 38016

Owner Information

Primary Owner Name

Y NGUYEN TAMMY

Owner Address

2585 S GERMANTOWN RD, GERMANTOWN, TN 38138

Owner Phone

Parcel Information

091011 00001

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner

Chip Saliba

Date of Meeting

12/07/2023

Pre-application Meeting Type

In Person

GENERAL INFORMATION

Have you held a neighborhood meeting?

No

GENERAL INFORMATION

Is this application in response to a citation from Construction Code Enforcement or Zoning Letter? No

If yes, please provide additional information -

GIS INFORMATION

Central Business Improvement District No

Case Layer -

Class -

Downtown Fire District No

Historic District -

Land Use -

Municipality -

Overlay/Special Purpose District -

Zoning -

State Route -

Lot -

Subdivision -

Planned Development District -

Wellhead Protection Overlay District No

Contact Information

Name WHT PROPERTIES Contact Type APPLICANT

Address

Phone

(901)337-8389

Fee Information

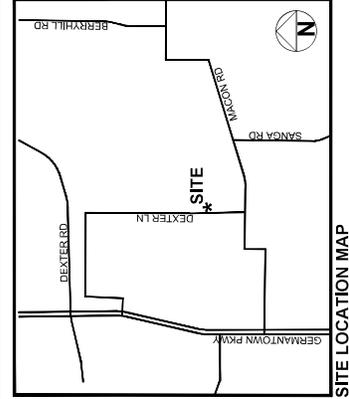
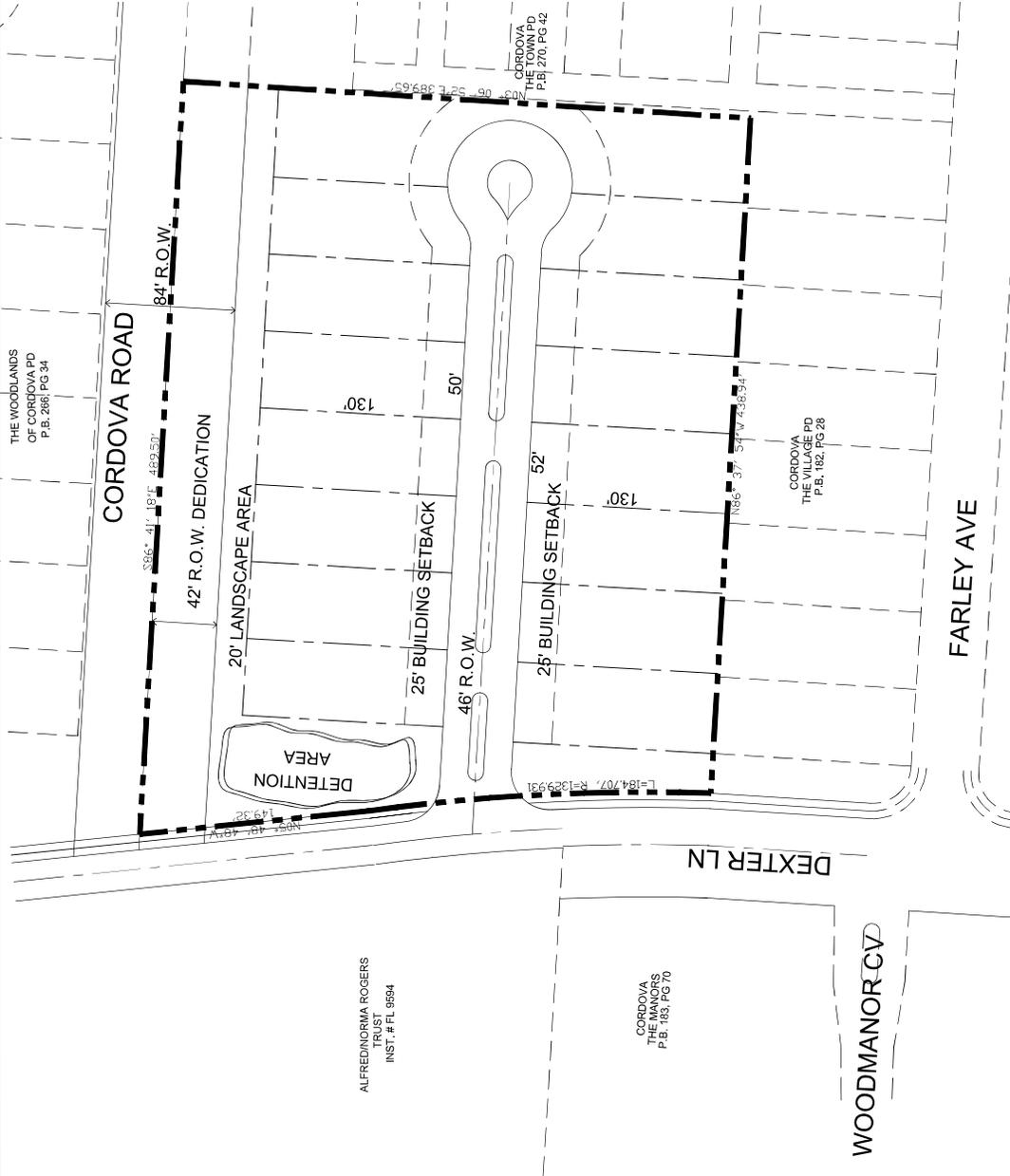
Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1528541	Residential Rezoning - 5 acres or less	1	750.00	INVOICED	0.00	01/03/2024
1528541	Credit Card Use Fee (.026 x fee)	1	19.50	INVOICED	0.00	01/03/2024

Total Fee Invoiced: \$769.50

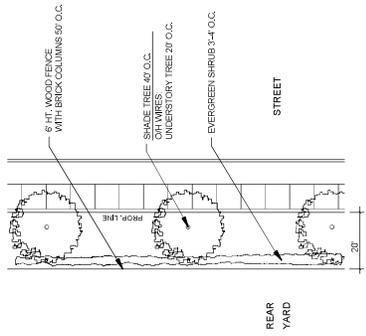
Total Balance: \$0.00

Payment Information

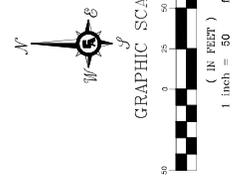
Payment Amount \$769.50 Method of Payment Credit Card



SITE LOCATION MAP



LANDSCAPE PLATE 1



FINAL PLAT		DEXTER GROVE SUBDIVISION	
CASE NO. SD 24-	FORMER CASE NUMBERS:		
NUMBER OF LOTS: 16	ACREAGE: 3.89 AC.	DISTRICT: WARD 91, BLOCK 11, PARCEL 1	
DEVELOPER: WHT PROPERTIES 7311 HUNTERS TREE DR MEMPHIS, TN 38120	ENGINEER: FISHER & ARNOLD, INC. 9180 CRESTWYN HILLS DR. MEMPHIS, TN 38125		
100-YEAR FLOOD ELEVATION: ELEV. N/A	FEPA MAP PANEL NUMBER: 47147C 0317C	FEPA MAP DATE: FEBRUARY 6, 2013	
DATE: DECEMBER, 2023	SCALE: 1" = 50'	SHEET 1. OF 2.	

PLAN DATA

TOTAL AREA.....	3.89 ACRES
TOTAL LOTS.....	16 LOTS
DENSITY.....	4.1 DU/AC



FISHER ARNOLD

ENGINEERS | ARCHITECTS | CONSULTANTS | PLANNERS

January 5, 2024

Mr. Chip Saliba, Deputy Administrator, Development Services
Memphis and Shelby County Office of Planning and Development
Land Use Controls
125 N Main Street, Suite 468
Memphis, TN 38104

**RE: DEXTER GROVE REZONING AND SUBDIVISION
MEMPHIS, TENNESSEE**

Dear Chip:

On behalf of WHT Properties, we are pleased to submit this Application for rezoning and the Dexter Grove Subdivision. The proposed development is located at the southeast corner of Dexter Lane and Cordova Road and contains 3.89 acres. Our application(s) requests the rezoning of the property from CA to R-6 and a companion subdivision application requesting the approval of 16 single family residential lots that are in size and character of the adjacent neighborhoods.

Attached with our application is the plot plan, preliminary subdivision application, a schematic landscape plan and representative images of the type housing that will be constructed within the subdivision. With our subdivision, we are requesting a waiver from Article 5.2.7D.1 Standard Street Right of Way width from 36' to 46'. This will allow for the creation of a 10' island in the typical street section.

As always, we look forward to working with the Office of Planning and Development and appreciate your consideration of our request. If there is anything you may need to assist in your review of our proposal, please do not hesitate to contact me.

Sincerely

FISHER & ARNOLD, INC.

David Baker
Manager – Planning and Landscape Architecture

DBB/dbb

Z:\WHT_PROP.0001\PL\planning\documents\application cover letter.doc

9180 Crestwyn Hills Drive
Memphis, TN 38125

901.748.1811
Fax: 901.748.3115
Toll Free: 1.888.583.9724

www.fisherarnold.com



Shelby County Tennessee

Willie F. Brooks, Jr.

Shelby County Register

As evidenced by the instrument number shown below, this document has been recorded as a permanent record in the archives of the Office of the Shelby County Register.

23072760

08/30/2023 - 08:42:30 AM

3 PGS

LAQUITA 2616051-23072760

VALUE	115000.00
MORTGAGE TAX	0.00
TRANSFER TAX	425.50
RECORDING FEE	15.00
DP FEE	2.00
REGISTER'S FEE	1.00
EFILE FEE	2.00
TOTAL AMOUNT	445.50

WILLIE F. BROOKS JR

REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

State of Tennessee County of Shelby		I, or we, hereby swear or affirm that to the best of affiant's knowledge, information, and belief, the actual consideration for this transfer or value of the property transferred, whichever is greater, is \$115,000.00, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.	
		Affiant Subscribed and sworn to before me, this the 19th day of August, 2018. Notary Public	
THIS INSTRUMENT WAS PREPARED BY Griffin, Clift, Everton and Maschmeyer, PLLC 6489 Quail Hollow Road Suite 100 Memphis, Tennessee 38120 File No. FF25676			
Address of New Owner(s) as follows: Tammy Nguyen	Send Tax Bills To: Tammy Nguyen	Map-Parcel Numbers 091011 00001	
2585 S Germantown R	2585 S Germantown Road		
Germantown, TN 38138	Germantown, TN 38138		

WARRANTY DEED

FOR AND IN CONSIDERATION OF THE SUM OF TEN DOLLARS, CASH IN HAND PAID BY THE HERINAFTER NAMED GRANTEEES, AND OTHER GOOD AND VALUABLE CONSIDERATION, THE RECEIPT OF WHICH IS HEREBY ACKNOWLEDGED, WE,

Grove View Investments, L.L.C, a Tennessee limited liability company

HEREINAFTER CALLED THE GRANTORS, HAVE BARGAINED AND SOLD, AND BY THESE PRESENTS DO TRANSFER AND CONVEY UNTO

Tammy Nguyen, a married person

HEREINAFTER CALLED THE GRANTEEES, THEIR HEIRS AND ASSIGNS, A CERTAIN TRACT OR PARCEL OF LAND IN Shelby COUNTY, STATE OF TENNESSEE, DESCRIBED AS FOLLOWS, TO-WIT:

Beginning at a point in the centerline of Dexter Road, 1027.43 feet north of the centerline of Macon Road; thence N 00 degrees 19' 07" W along the centerline of Dexter Road 368.37 feet; thence N 89 degrees 20' 55" E 473.00 feet, thence S 00 degrees 19' 07" E, 386.37 feet along the west line of the M. R. Farley tract, thence S 89 degrees 20' 55" W, 473.00 feet to the point of beginning.

Less and except part sold in Warranty Deed at Instrument Number JS 1548 and being more particularly described as follows:

Commencing at the intersection of Macon Road, centerline (40' R.O.W.) and Dexter Lane, centerline (40' R.O.W.); thence N 00° 09' 24" E, 770.55 feet along the existing centerline of Dexter Lane to a point; thence N 00° 11' 12" E, 256.9 feet along the centerline of Dexter Lane to a point; thence S 88° 26' 23" E, along the south line of said property 20 feet to the point of Beginning; thence N 00° 11' 12" E, along the east line of Dexter Lane (40' R.O.W.) 93.65 feet to a point; thence S 88° 44' 11" E, 10.6 feet to a point; thence along a curve to the right having a radius of 859 feet and a length of 90.06 feet to a point; thence S 00° 11' 12" W, 3.83 feet to a point; thence N 88° 26' 23" W, 14 feet to the point of Beginning. Containing 1.232 square feet, more or less.

This being the same property conveyed to Grantor(s) herein by Warranty Deed of record at Instrument Number 18099495 in the Register's Office of Shelby County, Tennessee.

This conveyance is made subject to: 2024 City of Memphis and 2023 Shelby County taxes now a fein but not yet due and payable which Grantee hereby assumes and agrees to pay.

This is improved () Unimproved () property, known as 0 Dexter Ln., Cordova, TN 38016

TO HAVE AND TO HOLD the said tract or parcel of land, with the appurtenances, estate, title and interest thereto belonging to the said GRANTEEES, the GRANTORS do hereby covenant with the GRANTEEES, that we are lawfully seized and possessed of said land in fee simple, have a good right to convey it and the same is unencumbered, unless otherwise herein set out; and we do further covenant and bind ourselves, our heirs and representatives, to warrant and forever defend the title to the said land to the said GRANTEEES, their heirs and assigns, against the lawful claims of all persons whomsoever. Wherever used, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

Witness our hands this 18th day of August, 2023.

Grove View Investments, LLC, a Tennessee limited liability company

By: Joseph Madden III
Joseph Madden III, Member

By: Raymond S. Sowell
Raymond S. Sowell, Member

STATE OF TENNESSEE)
COUNTY OF SHELBY)

Before me, a Notary Public of the state and county, personally appeared **Joseph Madden III and Raymond S. Sowell**, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged themselves to be Members of **Grove View Investments, LLC** a Tennessee limited liability company, the within named bargainer, and that they as such **Members** executed the foregoing instrument for the purposes therein contained, by signing the name of the said **Grove View Investments, LLC**, a Tennessee limited liability company, by themselves as **Members**

Witness my hand, at office, this 18th day of August, 2023.

[Signature]
Notary Public

My Commission Expires: 10/21/2024



Byrne & Associates, PLLC
1326 Hardwood Trail
Cordova, TN 38016

I, Ryan E. Byrne, do hereby make oath that I am a licensed Attorney and/or the Custodian of the electronic version of the attached document tendered for registration herewith and that this electronic document is a true and exact copy of the original document executed and authenticated according to law on 8-14, 2023.

R. E. Byrne
Ryan E. Byrne, Attorney

Date: 8-19-23

State of Tennessee
County of Shelby

Sworn to and subscribed before me on this 19th day of August, 2023.

Wendy Stikkelman

My Commission Expires: 10/26/25



GROVE VIEW INVESTMENTS LLC
492 SWEETBRIAR RD #
MEMPHIS TN 38120

WALL DANIEL P
8531 FARLEY AVE #
CORDOVA TN 38016

COBLE CONNIE C
1194 CHAPEL PARK BLVD #
CORDOVA TN 38016

HIGGS DIANE B
1255 CULLENDALE ST #
CORDOVA TN 38016

UDOJ REGINALD AND JENNY UDOJ LIVING
8535 FARLEY AVE #
CORDOVA TN 38016

BUNYARD MICHAEL D & DIANNE L
1198 CHAPEL PARK BLVD #
CORDOVA TN 38016

HIGGS DIANE B
1255 CULLENDALE ST #
CORDOVA TN 38016

YOUNG DANIEL & ANGELA
1209 CHAPEL PARK BLVD #
CORDOVA TN 38016

LURRY KRISTEN V
1202 CHAPEL PARK BLVD #
CORDOVA TN 38016

WILSON SHANNON
1247 CULLENDALE ST #
CORDOVA TN 38016

WALKER CHARNIQUE R
1203 CHAPEL PARK BLVD #
CORDOVA TN 38016

MCDANIEL CARY L & GLORIA S
1204 CHAPEL PARK BLVD #
CORDOVA TN 38016

STONE JAMES W & KELLY C
1243 CULLENDALE ST #
CORDOVA TN 38016

DAVIS REGINALD & KIMBERLY
1197 CHAPEL PARK BLVD #
CORDOVA TN 38016

FLINT SHIRLEY J (LE) AND VIVIAN A MSON
1223 PALMINA CV #
CORDOVA TN 38018

CHINTHALA LOKESH K AND ANUSHA KOMPALLI
1233 CULLENDALE ST #
CORDOVA TN 38016

SHELTON KIMBERLY D
1193 CHAPEL PARK BLVD #
CORDOVA TN 38016

FLINT SHIRLEY J (LE) AND JACQUELINE C
1223 PALMINA CV #
CORDOVA TN 38018

LONG SHARON A
8530 FARLEY AVE #
CORDOVA TN 38016

RAPP LAWRENCE O & PATRICIA M
1189 CHAPEL PARK BLVD #
CORDOVA TN 38016

SCHUTT BRETT C
1212 CHAPEL PARK BLVD #
CORDOVA TN 38016

DUNCAN DANA L
8534 FARLEY AVE #
CORDOVA TN 38016

PELFREY JASON
1183 CHAPEL PARK BLVD #
CORDOVA TN 38016

WASHINGTON ASHLEY & MARCUS
1214 CHAPEL PARK BLVD #
CORDOVA TN 38016

MILLER JAMES M & LINDA C
1225 CULLENDALE ST #
CORDOVA TN 38016

ROBINSON JAMES A & DIANE G
1179 CHAPEL PARK BLVD #
CORDOVA TN 38016

HOLT BRUCE E & STACEY R
8584 MARYSVILLE AVE #
CORDOVA TN 38016

COX GREGORY & QUIETARAH LOVE
1219 CHAPEL PARK BLVD #
CORDOVA TN 38016

CARREIRA RITA
1190 CHAPEL PARK BLVD #
CORDOVA TN 38016

SALVO ALFONSO V & CHRISTY
PO BOX 4358 #
CORDOVA TN 38088

GARCIA MAGDA B AND NICOLAS E PIZARRO
1242 MAGILBRA ST #
CORDOVA TN 38016

PLUNKETT MICHAEL W
8558 MARYSVILLE AVE #
CORDOVA TN 38016

CORDOVA THE-TOWN HOMEOWNERS ASSOCIATION
3036 CENTRE OAK WAY #
GERMANTOWN TN 38138

BUCHHOLZ PATRICK & DENISE R
1246 MAGILBRA ST #
CORDOVA TN 38016

HARGROVE MARY A
8554 MARYSVILLE AVE #
CORDOVA TN 38016

CORDOVA THE-TOWN HOMEOWNERS ASSOCIATION
3036 CENTRE OAK WAY #
GERMANTOWN TN 38138

COLLINS BEATRICE O & WILLIAM
1250 MIGILBRA ST #
CORDOVA TN 38016

HUGHES DENNIS E & CYNTHIA C
155 JACKS CIR #
SHELL KNOB MO 65747

CORDOVA THE-TOWN HOMEOWNERS ASSOCIATION
3036 CENTRE OAK WAY #
GERMANTOWN TN 38138

CORNEAU-DIA DAWN E
1254 MAGILBRA ST #
CORDOVA TN 38016

TENENT EUNICE
1238 CULLENDALE ST #
CORDOVA TN 38016

CORDOVA THE-TOWN HOMEOWNERS ASSOCIATION
3036 CENTRE OAK WAY #
GERMANTOWN TN 38138

STUCKEY BARBARA J
1258 MAGILBRA ST #
MEMPHIS TN 38016

COUCH EATHA B
1242 CULLENDALE ST #
CORDOVA TN 38016

GILL DEV CO INC
8130 MACON STA #
CORDOVA TN 38018

ORTIZ MILTON L & FRANCIA H
1257 MAGILBRA ST #
CORDOVA TN 38016

HOLSEY JOSIAH W & KOURTNEY A
1246 CULLENDALE ST #
CORDOVA TN 38016

KELLY TINA M
1249 MAGILBRA ST #
CORDOVA TN 38016

ROBERTS LAUREN
1253 MAGILBRA ST #
CORDOVA TN 38016

WILLIAMS THOMAS
1250 CULLENDALE ST #
CORDOVA TN 38016

MOCK FAMILY REVOCABLE TRUST
1245 MAGILBRA ST #
CORDOVA TN 38016

THOMAS KEVIN & MICHELLE
8570 MARYSVILLE AVE #
CORDOVA TN 38016

HARRIS DEREK
1256 CULLENDALE ST #
CORDOVA TN 38016

WATKINS DENNIS & ROXANNE
1241 MAGILBRA ST #
CORDOVA TN 38016

SILLAY SANDRA E IRREVOCABLE TRUST
8566 MARYSVILLE AVE #
CORDOVA TN 38016

CORDOVA THE-TOWN HOMEOWNERS ASSOCIATION
3036 CENTRE OAK WAY #
GERMANTOWN TN 38138

THOMPSON VERLEE & TROY THOMPSON
8486 FARLEY AVE #
CORDOVA TN 38016

STEVENS JAMES & THERESA M
8562 MARYSVILLE AVE #
CORDOVA TN 38016

CORDOVA THE-TOWN HOMEOWNERS ASSOCIATION
3036 CENTRE OAK WAY #
GERMANTOWN TN 38138

HIPPS RICHARD & PATRICIA REVOCABLE
8492 FARLEY AVE #
CORDOVA TN 38016

MCGHEE WILLIE J & WILLIE R
8496 FARLEY AVE #
CORDOVA TN 38016

GRIGGS KENNETH & VIVIAN T
8501 FARLEY AVE #
CORDOVA TN 38016

OXMAN BRETT AND CORI OXMAN LIVING TRUST
317 S YATES RD #
MEMPHIS TN 38120

LAY WESLEY B & LYDIA D
8502 FARLEY AVE #
CORDOVA TN 38016

ROBINSON CATRON & AARIKA
8495 FARLEY AVE #
CORDOVA TN 38016

JAMES WRIGHT CPA LLC
1180 VICCKERY LN #
CORDOVA TN 38018

MARTIN RAY G & GLORIA A
8508 FARLEY AVE #
CORDOVA TN 38016

HAMILTON LATACHA
8491 FARLEY AVE #
CORDOVA TN 38016

SPRINGFIELD ANITA J
1235 DEXTER LN #
CORDOVA TN 38018

WILLIAMS CARL W & SYDNEY
8514 FARLEY AVE #
CORDOVA TN 38016

FKH SFR PROPCO I LP
1850 PARKWAY PL #
MARIETTA GA 30067

HENSLEY JASON P & JENNIFER U
8442 WOOD MANOR CV #
CORDOVA TN 38016

MCCAULLA PAUL M & DIANNE
8518 FARLEY AVE #
CORDOVA TN 38016

CORDOVA THE VILLAGE PD PROPERTY OWNERS
6489 N QUAIL HOLLOW RD #
MEMPHIS TN 38120

STEPHENS CAVIA A
8434 WOOD MANOR CV #
CORDOVA TN 38016

MYERS ROYCE E SR & TRENDAL
8524 FARLEY AVE #
CORDOVA TN 38016

CORDOVA THE VILLAGE PD PROPERTY OWNERS
6489 N QUAIL HOLLOW RD #
MEMPHIS TN 38120

BECTION JEFFERY L
8429 WOOD MANOR CV #
CORDOVA TN 38016

PILLSBURY ANGELA D
8523 FARLEY AVE #
CORDOVA TN 38016

CORDOVA THE VILLAGE OF PD PROPERTY
1540 APPLING CARE LN #
CORDOVA TN 38016

WADDELL JOHN P & NANCY S
8441 WOOD MANOR CV #
CORDOVA TN 38016

MACLIN GUSTAVA
8517 FARLEY AVE #
CORDOVA TN 38016

IMPACT INVESTMENTS LLC
1164 VICKERY LN #
CORDOVA TN 38018

PRATT ROBERT M & MAUREEN M
8447 WOOD MANOR CV #
CORDOVA TN 38016

JESSEN NANCY B
8513 FARLEY AVE #
CORDOVA TN 38016

YOURIE HAIR SALON LLC
277 GERMAN OAK DR #
CORDOVA TN 38018

DAVENPORT ELIZABETH B
8455 WOOD MANOR CV #
CORDOVA TN 38016

WILLIAMS GWENDOLYN
8507 FARLEY AVE #
CORDOVA TN 38016

S & Z ENTERPRISES L L C
1172 VICKERY LN #
CORDOVA TN 38016

ANDERSON THEODORE S
8461 WOOD MANOR CV #
CORDOVA TN 38016

DINH HUNG T AND TRUNG T DINH (RS)
8471 WOOD MANOR CV #
CORDOVA TN 38016

FOSTER WILLIAM T & SANDRA LOFTON
8457 WOODLAND GREEN CT #
CORDOVA TN 38016

CASTALDI NORMA R AND ROBERTO MOJICA (RS)
8555 WOODLAND ROSE CIR #
CORDOVA TN 38016

WOOD JOSEPH B & PATRICIA S
PO BOX 38004 #
GERMANTOWN TN 38183

MARSHALL LINDA
8493 WOODLAND GREEN CT #
CORDOVA TN 38016

JOHNSON KAYANNA
8559 WOODLAND ROSE CIR #
CORDOVA TN 38016

MEMPHIS SCHOOL OF EXCELLENCE (DBA)
4921 WINCHESTER RD #
MEMPHIS TN 38118

MCCAIN DENNIS E JR & JENNIFER
8499 WOODLAND GREEN CT #
CORDOVA TN 38016

SANDEEP CHITTOOR & APOORVA
8565 WOODLAND ROSE CIR #
CORDOVA TN 38016

KLAUS PATRICIA J
8466 MACON RD #
CORDOVA TN 38018

NATHAN LAURA K
8503 WOODLAND ROSE CIR #
CORDOVA TN 38016

ZATE GREGORY & BRENDA
8571 WOODLAND ROSE CIR #
CORDOVA TN 38016

ROGERS ALFRED W AND NORMA P ROGERS TRUST
700 MELROSE AVE #
WINTER PARK FL 32789

WEBB CHRISTIN
8509 WOODLAND ROSE CIR #
MEMPHIS TN 38016

ZIEBARTH MATTHEW J
8550 WOODLAND ROSE CIR #
CORDOVA TN 38016

SNEED EDWIN L JR & LATONYA
1314 DEXTER LN #
CORDOVA TN 38016

LEVINA-SHER LIVING TRUST
8515 WOODLAND ROSE CIR #
CORDOVA TN 38016

HAO SHENGLI & LINGLING WANG
6531 NOTRE DAME DR #
BUENA PARK CA 90620

NORRIS MIA & ALDRIDGE A
1310 DEXTER LN #
CORDOVA TN 38016

CASEY CYNTHIA C
8521 WOODLAND ROSE CIR #
CORDOVA TN 38016

FROST SAMUEL B AND KELSI WASTON
8524 WOODLAND ROSE CIR #
CORDOVA TN 38016

FRAZEE BETH E
1304 DEXTER LN #
CORDOVA TN 38016

WRIGHT ISAAC J
8525 WOODLAND ROSE CIR #
CORDOVA TN 38016

COOPER CARL R JR
8518 WOODLAND ROSE CIR #
CORDOVA TN 38016

ROSE INDIA S & COURTNEY
1298 DEXTER LN #
CORDOVA TN 38016

ONG KIEU T
8545 WOODLAND ROSE CIR #
CORDOVA TN 38016

LOEPKE JILL A & DONALD S
8510 WOODLAND ROSE CIR #
CORDOVA TN 38016

SHIPLEY DALE R & ROSANNE
1292 DEXTER LN #
CORDOVA TN 38016

CHARLTON GEORGETTE M
8549 WOODLAND ROSE CIR #
CORDOVA TN 38016

KLECK REBEKAH
8500 WOODLAND ROSE CIR #
CORDOVA TN 38016

NIVENS SURUVOR "A" TRUST
8496 WOODLAND ROSE CIR #
CORDOVA TN 38016

BENTLEY KEVIN D REVOCABLE LIVING TRUST
8544 WOODLAND ROSE CIR #
CORDOVA TN 38016

MCDANIEL CECIL W AND DANA S MCDANIEL
8543 WOODLAND ROSE CIR #
CORDOVA TN 38016

NELSON CHAVEZ AND JACQUEL WALLACE
8462 WOODLAND ROSE CIR #
CORDOVA TN 38016

WILLIAMS DEBORAH T
8548 WOODLAND ROSE CIR #
CORDOVA TN 38016

BOURLAND TERESA AND MICHAEL WASHENDORF
8539 WOODLAND ROSE CIR #
CORDOVA TN 38016

SMITH DARLENE
8456 WOODLAND ROSE CIR #
CORDOVA TN 38016

JONES-WRIGHT MICHELLE D
8554 WOODLAND ROSE CIR #
CORDOVA TN 38016

SEWELL JANICE L
8529 WOODLAND ROSE CIR #
CORDOVA TN 38016

PATTERSON ELISE J & RALPH G
8452 WOODLAND ROSE CIR #
CORDOVA TN 38016

REECE HAYDEN & ELIZABETH
8558 WOODLAND ROSE CIR #
CORDOVA TN 38016

RAY EL PWE
8523 WOODLAND ROSE CIR #
CORDOVA TN 38016

HOLMES PAUL
8506 WOODLAND ROSE CIR #
CORDOVA TN 38016

KOHANBANI MARYAM
8564 WOODLAND ROSE CIR #
CORDOVA TN 38016

ADIN FAMILY TRUST
8519 WOODLAND ROSE CIR #
CORDOVA TN 38016

BATEMAN THOMAS & GAIL A
8512 WOODLAND ROSE CIR #
CORDOVA TN 38016

BARNES LASHANETTE
1138 N GERMANTOWN PKWY #
CORDOVA TN 38018

MCCAIN BARBARA E & DENNIS E
8513 WOODLAND ROSE CIR #
CORDOVA TN 38016

FARLEY SARAH B & RUSSELL W
8516 WOODLAND ROSE CIR #
CORDOVA TN 38016

FRANKLIN ANTONIO D
8561 WOODLAND ROSE CIR #
CORDOVA TN 38016

CANTORA JAMES & ELIZABETH A
8509 WOODLAND ROSE CIR #
CORDOVA TN 38016

CRENSHAW ADAM M & KYDAVIA L
8522 WOODLAND ROSE CIR #
CORDOVA TN 38016

COLEMAN JARVIS & TYESHA
8557 WOODLAND ROSE CIR #
CORDOVA TN 38016

WOODLANDS OF CORDOVA PD HOMEOWNERS
3036 CENTRE OAK WAY #
GERMANTOWN TN 38138

GLOVER RAYMOND W
8526 WOODLAND ROSE CIR #
CORDOVA TN 38016

CASCARELLA ROSWITHA
8551 WOODLAND ROSE CIR #
CORDOVA TN 38016

BURKETT JB & IOLA R
8536 WOODLAND ROSE CIR #
CORDOVA TN 38016

CROWLEY MARCIA C
8547 WOODLAND ROSE CIR #
CORDOVA TN 38016

MEMPHIS AND SHELBY COUNTY  **DIVISION OF PLANNING AND DEVELOPMENT**

City Hall – 125 N. Main Street, Suite 468 – Memphis, Tennessee 38103 – (901) 636-6619

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

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 the Memphis and Shelby County Unified Development Code, full disclosure of all legal and equitable interest in the property is required. Memphis and Shelby County Unified Development Code Section 12.3.1.

I, Nguyet Le (Print Name) Nguyet Le (Sign Name), state that I have read the definition of

“Owner” as outlined in the Memphis and Shelby County Unified Development Code Section 12.3.1 and hereby state that (select applicable box):

I am the owner of record as shown on the current tax rolls of the county Assessor of Property; the mortgage holder of record as shown in the mortgage records of the county Register of Deeds; purchaser under a land contract; a mortgagee or vendee in possession; or I have a freehold or lesser estate in the premises

I have charge, care or control of the premises as trustee, agent, executor, administrator, assignee, receiver, guardian or lessee (and have included documentation with this affidavit)

of the property located at Dexter Ln.
and further identified by Assessor's Parcel Number 09101100001
for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 22 day of December in the year of 2023.

Doyle Reese
Signature of Notary Public

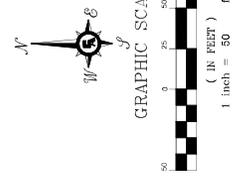
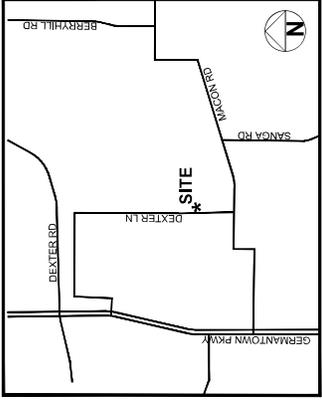
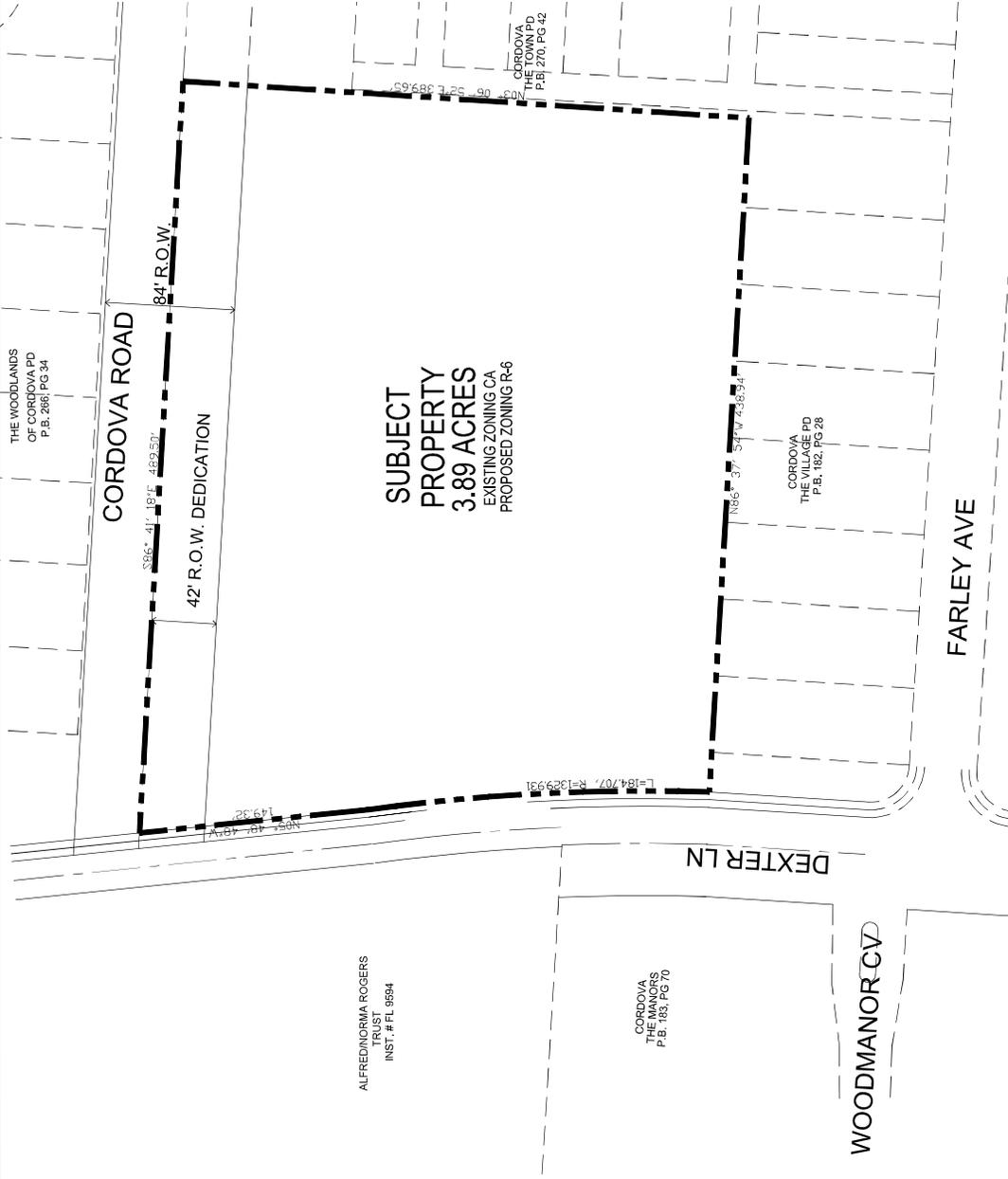


7.14.2026
My Commission Expires

LAND USE OWNERSHIP DISCLOSURE

Please identify every person who has an ownership interest of 10% or more in the subject application whether they be the current owners, the contract buyers, or the lenders. If current owner or contract buyer are public corporations, please note the fact and list no other owners. Only lenders which are not institutions (banks, saving and loans or credit unions) need be listed.

	NAMES	ADDRESSES
<u>CURRENT OWNERS</u>	<u>Tammy Nguyen</u>	<u>2585 S Germantown Rd</u>
	<u>Nguyet Le(Wes)</u>	<u>2585 S. Germantown Rd</u>
	_____	_____
	_____	_____
<u>CONTRACT OWNERS/BUYERS</u>	_____	_____
	_____	_____
	_____	_____
	_____	_____
<u>NON-INSTITUTIONAL LENDERS INCLUDING SELLER(S) IF THE PENDING SALE IS OWNER FINANCED</u>	_____	_____
	_____	_____
	_____	_____
	_____	_____



PLOT PLAN	
DEXTER GROVE SUBDIVISION	
CASE NO.: Z 24-	FORMER CASE NUMBERS:
NUMBER OF LOTS: 16	ACREAGE: 3.89 AC.
DEVELOPER: WHT PROPERTIES 7311 HUNTERS TREE DR MEMPHIS, TN 38120	DISTRICT: WARD 91, BLOCK 11 PARCEL 1
ENGINEER: FISHER & ARNOLD, INC. 9180 CRESTWYN HILLS DR. MEMPHIS, TN 38125	
100-YEAR FLOOD ELEVATION: ELEV. N/A	FEHA MAP PANEL NUMBER: 47147C 0317C
DATE: DECEMBER, 2023	SCALE: 1" = 50' SHEET 1. OF 2.



Map prepared through Shelby County Government's
online mapping Portal on 12/4/2023

Legend

- polygon.layer
- Override 1
- Override 2
- polyline.layer
- Override 1
- Roads
- Parcels

**MEMPHIS AND
SHELBY COUNTY**  **DIVISION OF PLANNING
AND DEVELOPMENT**

City Hall – 125 N. Main Street, Suite 468 – Memphis, Tennessee 38103 – (901) 636-6619

February 23, 2024

Tammy Nguyen

whtproperties@gmail.com

Sent via electronic mail to: whtproperties@gmail.com, dbaker@fisherarnold.com

Case Number: Z 24-001

LUCB Recommendation: Approval

Dear applicant,

On Thursday, February 8, 2024, the Memphis and Shelby County Land Use Control Board recommended **approval** of your rezoning application located on Dexter Lane, +/- 1027 feet north of Macon Road to be included in the Residential Single – Family – 6 (R-6) Zoning District.

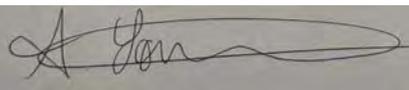
This application will be forwarded, for final action, to the Council of the City of Memphis. Ordinances appear on three consecutive Council Agendas with the third one being the Public Hearing. The Council will review your application in a committee meeting prior to voting on it in a public hearing. The applicant or the applicant's representative(s) shall be in attendance at all meetings and hearings.

It is the applicant's responsibility to contact the City Council Records Office to determine when the application is scheduled to be heard at committee and in public session. The City Council Records Office may be reached at (901) 636-6792.

If for some reason you choose to withdraw your application, a letter should be mailed to the Land Use and Development Services Department of the Division of Planning and Development at the address provided above or emailed to the address provided below.

If you have questions regarding this matter, please feel free to contact me at (901) 636-7120 or via email at alexis.longstreet@memphistn.gov.

Respectfully,



Alexis Longstreet

Planner I

Land Use and Development Services

Division of Planning and Development

Letter to Applicant

Z 24-01

Cc: David Baker, Fisher Arnold
File

**CITY OF MEMPHIS
COUNCIL AGENDA CHECK OFF SHEET**

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

**Planning & Zoning COMMITTEE: 06/25/2024
DATE**

**PUBLIC SESSION: 06/25/2024
DATE**

ITEM (CHECK ONE)

ORDINANCE RESOLUTION REQUEST FOR PUBLIC HEARING

ITEM CAPTION: Annual amendments to the Memphis and Shelby County Unified Development. The following item was heard by the Land Use Control Board and a recommendation made. (LUCB DATE: **April 11, 2024**)

CASE NUMBER: ZTA 24-2

LOCATION: City of Memphis and unincorporated Shelby County

APPLICANT: Memphis and Shelby County Division of Planning and Development

REPRESENTATIVE: Brett Ragsdale, Zoning Administrator

REQUEST: Adopt amendments to the Memphis and Shelby County Unified Development Code.

RECOMMENDATION: Division of Planning and Development: Approval
Land Use Control Board: Approval

RECOMMENDED COUNCIL ACTION: **Public Hearing Required**
Set date for first reading – June 25, 2024
Second reading – July 9, 2024
Third reading – July 23, 2024
Publication in a Newspaper of General Circulation **Required**

PRIOR ACTION ON ITEM:

(1) _____	APPROVAL - (1) APPROVED (2) DENIED
04/11/2024 _____	DATE
(1) Land Use Control Board _____	ORGANIZATION - (1) BOARD / COMMISSION
	(2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

FUNDING:

(2) _____	REQUIRES CITY EXPENDITURE - (1) YES (2) NO
\$ _____	AMOUNT OF EXPENDITURE
\$ _____	REVENUE TO BE RECEIVED

SOURCE AND AMOUNT OF FUNDS

\$ _____	OPERATING BUDGET
\$ _____	CIP PROJECT # _____
\$ _____	FEDERAL/STATE/OTHER _____

ADMINISTRATIVE APPROVAL:

	<u>DATE</u>	<u>POSITION</u>
_____	_____	PRINCIPAL PLANNER
_____	_____	DEPUTY DIRECTOR
	06/05/2024	ZONING ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	CHIEF ADMINISTRATIVE OFFICER
_____	_____	COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

ZTA 24-2

Ordinance approving a Zoning Text Amendment to amend the Unified Development Code.

- Ordinance to approve a Zoning Text Amendment initiated by the Zoning Administrator of the Memphis and Shelby County Division of Planning and Development.
- Zoning Text Amendments amend the Memphis and Shelby County Unified Development Code.
- This particular set of amendments will revise regulations regarding pending legislation, commercial mobile communication services (CMCS) towers, food preparation vehicles, residential circular driveways, street name changes, administrative flexibility, public notice, neighborhood plan recognition, signage, and other provisions of the Code.
- The Memphis and Shelby County Land Use Control Board held a public hearing on **April 11, 2024**, and approved the Text Amendment by a vote of 7 to 0.
- No contracts are affected by this item.
- No expenditure of funds/budget amendments are required by this item.

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday, April 11, 2024**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: ZTA 24-2

LOCATION: City of Memphis and Unincorporated Shelby County

COUNCIL DISTRICT(S): All

OWNER/APPLICANT: Division of Planning and Development

REPRESENTATIVE: Brett Ragsdale, Zoning Administrator

REQUEST: Adopt several amendments to the Unified Development Code

The following spoke in support of the application: Brett Ragsdale, John Zeanah

The following spoke in opposition of the application: None

The Land Use Control Board reviewed the application and the staff report. A motion was made and seconded to recommend approval of the application with friendly amendments as presented by staff.

The motion passed by a vote of 7-0 on the regular agenda.

Respectfully,



Brett Ragsdale
Zoning Administrator

Cc: Committee Members
File

Joint Ordinance No.: _____

A JOINT ORDINANCE AMENDING THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE AS ADOPTED BY THE CITY OF MEMPHIS AUGUST 10, 2010, AND BY SHELBY COUNTY AUGUST 9, 2010, AS AMENDED, TO REVISE AND ENHANCE THE JOINT ZONING AND SUBDIVISION REGULATIONS AS RECOMMENDED BY THE MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING & DEVELOPMENT AND THE LAND USE CONTROL BOARD.

WHEREAS, By the provisions of chapter 165 of the Private Acts of the General Assembly of the State of Tennessee for the year 1921, authority was conferred upon the legislative body of the City of Memphis, Tennessee, to establish districts or zones within the corporate territory of the City of Memphis and to establish zoning regulations pertaining thereto, and to amend said zones or districts and zoning regulations pertaining thereto from time to time; and

WHEREAS, By the provisions of chapter 613 of the Private Acts of the General Assembly of the State of Tennessee for the year 1931, the legislative bodies of the City of Memphis and the County of Shelby were given authority to establish districts or zones within the territory in Shelby County, Tennessee, outside of, but within five miles of the corporate limits of the City of Memphis, Tennessee, and to establish zoning regulations pertaining thereto, and to amend said zones or districts and zoning regulations pertaining thereto from time to time; and

WHEREAS, By the provisions of chapter 625 of the Private Acts of the General Assembly of the State of Tennessee for the year 1935, authority was conferred upon the legislative body of the County of Shelby, to establish districts or zones within the unincorporated territory of Shelby County and outside the five-mile zone of the corporate limits of the City of Memphis, Tennessee, and to amend said zones or districts and zoning regulations pertaining thereto from time to time; and

WHEREAS, by the provisions of chapter 470 of the Private Acts of 1967, the General Assembly of the State of Tennessee conferred upon the legislative body of Shelby County the authority to regulate the subdivision or resubdivision of land into two or more parts; and

WHEREAS, by the provisions of section 2 of chapter 470 of the Private Acts of 1967, the General Assembly of the State of Tennessee conferred upon the legislative bodies of the City of Memphis and the County of Shelby the authority to regulate the subdivision and resubdivision of land within three miles of the corporate limits of the City of Memphis into two or more parts; and

WHEREAS, by provisions of T.C.A. title 54, ch. 10 [§ 54-10-101 et seq.], the General Assembly of the State of Tennessee conferred on the legislative body of Shelby County the authority to open, close or change public roads within the areas subject to its jurisdiction; and

WHEREAS, the Unified Development Code was adopted by the city of Memphis on August 10, 2010, and by Shelby County on August 9, 2010, as the new regulations for zoning and subdivisions in the city of Memphis and unincorporated Shelby County; and

WHEREAS, the Zoning Administrator is one of the entities and individuals identified by the Unified Development Code as one that may initiate amendments to the Code; and

WHEREAS, the Zoning Administrator submitted his request to amend the Unified Development Code in such a way that would reflect amendments that will regulations regarding pending legislation, commercial mobile communication services (CMCS) towers, food preparation vehicles, residential

circular driveways, street name changes, administrative flexibility, public notice, neighborhood plan recognition, signage, and other provisions of the Code; and

WHEREAS, The Unified Development Code should reflect the adoption of the amendments presented by the Memphis and Shelby County Division of Planning and Development; and

WHEREAS, The Memphis and Shelby County Land Use Control Board approved these amendments at its April 11, 2024, session;

NOW, THEREFORE, BE IT ORDAINED, By the City Council of the City of Memphis and by the Board of Commissioners of Shelby County, Tennessee that Ordinance Nos. 5367 and 397, are hereby amended as follows:

SECTION 1, CASE NO. ZTA 24-2. That various sections of the Unified Development Code be hereby amended as reflected on Exhibit A, attached hereto.

SECTION 2. That the various sections, words, and clauses of this Joint Ordinance are severable, and any part declared or found unlawful may be elided without affecting the lawfulness or the remaining portions.

SECTION 3. That only those portions of this Joint Ordinance that are approved by both the City Council of the City of Memphis and the Board of Commissioners of Shelby County, Tennessee, shall be effective; any portions approved by one and not the other are not part of this Joint Ordinance.

SECTION 4. That this Joint Ordinance shall take effect from and after the date it shall have been enacted according to due process of law, and thereafter shall be treated as in full force and effect in the jurisdictions subject to the above-mentioned Ordinance by virtue of the concurring and separate passage thereof by the Shelby County Board of Commissioners and the Council of the City of Memphis.

BE IT FURTHER ORDAINED, That the various sections of this Ordinance are severable, and that any portion declared unlawful shall not affect the remaining portions.

ATTEST:

AGENDA ITEM: 28

CASE NUMBER: ZTA 24-2 **L.U.C.B. MEETING:** April 11, 2024
APPLICANT: Memphis and Shelby County Division of Planning and Development
REPRESENTATIVE: Brett Ragsdale, Zoning Administrator
REQUEST: Adopt the following amendments to the Unified Development Code (UDC)

EXECUTIVE SUMMARY

1. Listed below are the more significant amendments associated with this zoning text amendment, or "ZTA." All other items are explained in greater detail in the staff report. Proposed new language is indicated in **bold, underline** while proposed deletions are indicated in ~~bold strikethrough~~. All proposed changes are reflected in a copy of the complete UDC at the end of this report.
2. Chapter 1.9: The proposed change creates a two-part process of neighborhood plan recognition, expanding the opportunity for neighborhood plans to be included for consideration and enhancing the way neighborhood plans are considered.
3. Paragraph 1.13.3E(2): Revises pending legislation clause to match State law.
4. Various revisions to CMCS tower language, including relocating the CMCS tower general requirements to apply to all CMCS towers, not only towers that require a special use permit to require colocation when feasible and reincludes the tower height maximum of 200 feet with any CMCS tower over 200 feet requiring a special use permit.
5. Revisions to define mobile food trucks as principal uses in instances where they become permanent or stationary. Revisions also require mobile food trucks operating in residential zoning districts on a temporary basis to obtain a special event permit.
6. Increase in the minimum requirements of circular driveways to avoid smaller lots from having front yard parking pads.
7. Revisions to reflect process changes to street name changes within the UDC to align with Memphis City Council Ordinance number 5759 and requested to be adopted into the UDC by resolution of the Memphis City Council on September 12, 2023.
8. Paragraph 9.21.2A(1): This revision increases the administrative authority for setback encroachments from 10 to 20% and eliminates the limitation regarding platted setbacks, subject to the administrative deviation approval criteria.
9. Sub-Section 9.21.D: This revision allows lot size and width reductions of up to 10%, subject to the administrative deviation approval criteria.
10. Paragraphs 9.3.4D(1) & 9.23.1C(2): The 10-day minimum to mail public notice for public hearings was increased to 25 days as part of ZTA 22-1. While we agree with the spirit of allowing more time for public notice, 25 days has proven difficult to achieve considering our meetings occur monthly. We propose revising the minimum to 20 days. This revision would also apply to 9.23.1C(2) - this specific clause was missed in the previous text amendment.

RECOMMENDATION:

Approval

Note, the following items on pages 2-6 are a summary of noteworthy updates from the original published DRAFT staff report:

Initial report:

1.9.D

- D. ~~Any other plans approved by the Memphis City Council or the Shelby County Board of Commissioners after January 1, 2019, may be considered in any decisions under this development code.~~—The following plans may be considered in any decisions under this development code.

Current report:

1.9.D

- D. **Any other plans approved by the Memphis City Council or the Shelby County Board of Commissioners after ~~January 1~~December 3, 2019, may shall be considered in any decisions under this development code. Plans prepared by or filed with Division of Planning and Development, but not approved by the Memphis City Council or Shelby County Board of Commissioners, may also be considered.**—The following plans may be considered in any decisions under this development code.

Initial report:

2.7.4A(27)

Academic or other instructions may not be given to more than ~~four~~ **seven** persons at the same time.

2.7.4C(1)

Any home occupation involving group instruction of ~~four~~ **seven** or less students per hour is permitted.

Current report:

2.7.4A(27)

Academic or other instructions may not be given to more than ~~four~~ **seven** persons at the same time.

[2.7.4B\(7\)](#)

[No more than one persons, other than members of the family residing on the premises, shall be engaged in the home occupation.](#)

2.7.4C(1)

Any home occupation involving group instruction of ~~four~~ **seven** or less students per hour is permitted.

2.7.4C(2)

Any home occupation involving group instruction of more than ~~four~~ **seven** students per hour shall require the issuance of a Conditional Use Permit (see Chapter 9.24).

Initial report:

3.3.1B

Frontage

Unless otherwise approved **by the Zoning Administrator**, each lot must have frontage on a public street or an approved private drive **or common open space**. An alley or rear private drive may not constitute frontage.

Current report:

3.3.1B

Frontage

Unless otherwise approved **by the Zoning Administrator**, each lot must have frontage on a public street or an approved private drive ~~or common open space~~. An alley or rear private drive may not constitute frontage.

Initial report:

4.6.5I

5. **Trees with a mature height of more than thirty (30) feet and up to fifty (50) feet shall be planted at least twenty-five (25) feet from any overhead utility wire. Trees with a mature height of more than fifty (50) feet shall be planted at least forty (40) feet from any overhead utility wire.**
6. A minimum buffer width of five feet, or at least half the minimum required buffer width, must be provided outside of any required easements. The majority of buffer plantings and all structures must be located outside the easements.

Current report:

4.6.5I

5. **Trees with a mature height of more than thirty (30) feet and up to fifty (50) feet shall be planted at least ~~twenty-five~~ (25) feet from any overhead ~~utility~~ **distribution voltage** utility wire. Trees with a mature height of more than fifty (50) feet shall be planted at least forty (40) feet from any overhead **distribution voltage utility wire. There shall be no restriction on planting trees around secondary voltage wires, communication lines, and other overhead wires.****
6. A minimum buffer width of five feet, or at least half the minimum required buffer width, must be provided outside of any required easements. The majority of buffer plantings and all structures must be located outside the easements.

Initial report:

8.5.2

Overlay Restrictions

- A. All land fronting the designated Residential Corridor, for a depth of 200 feet, shall not be eligible for rezoning to a mixed use or nonresidential district nor shall such land be eligible for a change in use from a residential use to a nonresidential use. Certain ~~eCivic and institutional~~ uses may be permitted **by right or** through the special use process (see **subject to permitted uses of Section 2.5.2 and provisions of Chapter 9.6**).

Current report:

8.5.2

Overlay Restrictions

- A. All land fronting the designated Residential Corridor, for a depth of 200 feet, shall not be eligible for rezoning to a mixed use or nonresidential district **or nonresidential planned development** nor shall such land be eligible for a change in use from a residential use to a nonresidential use. Certain ~~eCivic and institutional~~ uses may be permitted **by right or** through the special use process (see **subject to permitted uses of Section 2.5.2 and provisions of Chapter 9.6**).
-

Initial report: Struck Paragraph 9.3.2B(1), as the City of Memphis Office of Community Affairs does not maintain any such list.

Current report: Retains Paragraph 9.3.2B(1). The City of Memphis Office of Community Affairs will attempt to re-establish a list for use.

Initial report:

The 10-day minimum to mail public notice for public hearings was increased to 25 days as part of ZTA 22-1. While we agree with the spirit of allowing more time for public notice, 25 days has proven difficult to achieve considering our meetings occur monthly. We propose revising the minimum to 15 days. This revision would also apply to 9.23.1C(2) - this specific clause was missed in the previous text amendment.

9.3.4D(1)

Where mailed notice is required, notification shall be mailed not more than 45 or less than ~~25~~ **15** days prior to the date of the public hearing. Mailed notice shall be provided to all property owners within Shelby County in accordance with the provisions of this Code.

9.23.1C(2)

Not less than 28 or more than 63 days after a notice of appeal is filed, the Board of Adjustment shall hold a public hearing and give notice in accordance with Section 9.3.4, Public Hearings and Notification. In the case of appeals to the Land Use Control Board, not less than 35 or more than 75 days after a notice of appeal is filed, the Land Use Control Board shall hold a public hearing and give notice in accordance with Section 9.3.4, Public Hearings and Notification. For appeals taken by non-property owners, the Division of Planning and Development shall provide notice of the appeal to the property owner by mail and any other reasonable means available no less than ~~10~~ **15** days prior to the date of the public hearing by the Board of Adjustment.

Current report:

The 10-day minimum to mail public notice for public hearings was increased to 25 days as part of ZTA 22-1. While we agree with the spirit of allowing more time for public notice, 25 days has proven difficult to achieve considering our meetings occur monthly. We propose revising the minimum to 15 days. This revision would also apply to 9.23.1C(2) - this specific clause was missed in the previous text amendment.

9.3.4D(1)

Where mailed notice is required, notification shall be mailed not more than 45 or less than ~~25~~ **15-20** days prior to the date of the public hearing. Mailed notice shall be provided to all property owners within Shelby County in accordance with the provisions of this Code.

9.23.1C(2)

Not less than 28 or more than 63 days after a notice of appeal is filed, the Board of Adjustment shall hold a public hearing and give notice in accordance with Section 9.3.4, Public Hearings and Notification. In the case of appeals to the Land Use Control Board, not less than 35 or more than 75 days after a notice of appeal is filed, the Land Use Control Board shall hold a public hearing and give notice in accordance with Section 9.3.4, Public Hearings and Notification. For appeals taken by non-property owners, the Division of Planning and Development shall provide notice of the appeal to the property owner by mail and any other reasonable means available no less than ~~10~~ **15-20** days prior to the date of the public hearing by the Board of Adjustment.

Initial report:

12.3.1

LUMBERYARD: A location where lumber and wood-related products used in construction are processed from raw logs or other wood or forest products, stored, or kept for sale. For the purposes of these regulations, locations where chemicals or high-temperature kilns are used in processing shall be classified as sawmills.

Current report:

~~12.3.1~~

~~**LUMBERYARD: A location where lumber and wood-related products used in construction are processed from raw logs or other wood or forest products, stored, or kept for sale. For the purposes of these regulations, locations where chemicals or high-temperature kilns are used in processing shall be classified as sawmills.**~~

PROPOSED NOTEWORTHY AMENDMENTS

Proposed language is indicated in **bold, underline**; deleted language is indicated in ~~strikethrough~~. Staff commentary *italicized*.

Revises other plans to be considered within the land use decision consistency section of the code to plans adopted by the governing bodies after January 1, 2019, to limit the scope of plans that may be considered.

1.9.D

D. **Any other plans approved by the Memphis City Council or the Shelby County Board of Commissioners after December 3, 2019, shall be considered in any decisions under this development code. Plans prepared by or filed with Division of Planning and Development, but not approved by the Memphis City Council or Shelby County Board of Commissioners, may also be considered.**~~The following plans may be considered in any decisions under this development code.~~

- ~~1. Bicentennial Plan;~~
- ~~2. Community Redevelopment Plan for the University Neighborhood Development Corporation/Highland Row Area;~~
- ~~3. Community Redevelopment Plan for the Uptown Area;~~
- ~~4. Downtown Streetscape Master Plan;~~
- ~~5. Eastview Area Redevelopment Plan;~~
- ~~6. Frayser (Futures) District Plan;~~
- ~~7. Glenview Area Plan;~~
- ~~8. Grays Creek Area Plan;~~
- ~~9. 2000 Main Street Master Plan;~~
- ~~10. MPO Long Range Transportation Plan;~~
- ~~11. MPO Bicycle and Pedestrian Plan;~~
- ~~12. Medical Center Area Plan;~~
- ~~13. Midtown Corridor East/Binghampton Plan;~~
- ~~14. Mud Island Report;~~
- ~~15. Normal Station Area Plan;~~
- ~~16. Rozelle Annesdale Neighborhood Plan;~~
- ~~17. Shelby County Greenway Plan;~~
- ~~18. South Central Business Improvement District Area Plan;~~
- ~~19. South Forum "SoFo" Redevelopment Plan;~~
- ~~20. South Memphis District Plan;~~
- ~~21. Uptown Redevelopment Plan;~~
- ~~22. University District Comprehensive Plan;~~
- ~~23. Victorian Village Redevelopment Plan;~~
- ~~24. Vollintine Evergreen Plan;~~
- ~~25. Whitehaven District Plan;~~
- ~~26. Winchester Park Area Study; and~~
- ~~27. Any other plans approved by the Memphis City Council and the Shelby County Board of Commissioners.~~

Revises pending legislation clause to match State law.

1.13.3E(2)

Pending Legislation. Any individual, board or body with authority to act upon the regulations of this Code shall ~~shall~~ **may not** consider pending text amendments to this Code and pending amendments to the Zoning Map, ~~provided the pending amendment(s) have been acted upon by the Land Use Control Board and by one or both governing bodies at second reading (see Chapter 9.4, Text Amendment and Chapter 9.5, Zoning Change)~~ **pursuant** to TCA 29-43-101.

All former College and University (CU) and Hospital (H) references in historical zoning entitlements will now convert only to Campus Master Plan – 1 (CMP-1) with this change. As existing the issue is the former CU and H districts convert to two UDC districts, CMP-1 and CMP-2, that have different uses permitted by right.

1.13.4

NEW DISTRICTS		FORMER DISTRICTS
CMP-1	Campus Master Plan – 1	CU, H
CMP-2	Campus Master Plan – 2	CU, H

A health club and a gym are by dictionary definition the same use and the UDC is inconsistent with the two uses as health club exists within the indoor recreation use category and gym existed within the Retail Sales & Service use category within the principal use of all retail sales and service, except as listed below” per the principal uses listed within Sub-Section 2.9.4H. This combines the gym use within the indoor recreation use category and health club principal use. Additionally this would allow gyms by right in the Mixed Use District and by Significant Neighborhood Structure Conditional Use Permit within the R-15, R-10, R-8, R-3, RU-1, RU-2, RU-3, RU-4, and RU-5 districts to match where gyms were allowed when previously double classified within the All retail sales and service, except as listed below: principal use. Note Sub-Sections 2.9.4A and 2.9.4H are also being updated to reflect this change.

2.5.2

Use Category	Principal Use	R-15	R-10	R-8	R-3	RU-1	RU-2	RU-3	RU-4	RU-5	MU*
Indoor Recreation	Athletic, tennis, swim or health club, <u>dance, martial arts, music studio or classroom, personal trainer or gym</u>	±	±	±	±	±	±	±	±	±	■

2.9.4A

Athletic, tennis, swim or health club, **dance, martial arts, music studio or classroom, personal trainer or gym**

2.9.4H

~~Dance, martial arts, music studio or classroom, personal trainer or gym~~

These revisions relocate the CMCS tower general requirements to apply to all CMCS towers, not only towers that require a special use permit to require colocation when feasible and reincludes the tower height maximum of 200 feet with any CMCS tower over 200 feet requiring a special use permit.

2.6.21(2)(a)(2)

General Requirements

~~a. The location, size and design of such facilities shall be such that minimal negative impacts result from the facility. Any application for a new tower shall not be approved nor shall any building permit for a new tower be issued unless the applicant certifies that the 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 structures, 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.~~

2.6.21(2)(h)

Reserved 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.

2.6.21(2)(m)

General Requirements

The location, size and design of such facilities shall be such that minimal negative impacts result from the facility. Any application for a new tower shall not be approved nor shall any building permit for a new tower be issued unless the applicant certifies that the 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 structures, 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.**

This revision is to align the UDC with the Building Code.

2.6.1B(8)(d)

Maximum work space within a live/work unit shall be ~~4,000~~ **3,000** square feet.

This revision ensures the height of accessory structures are measured using the same method that principal structures are measured.

2.7.2B(2)

Height and Setback. Accessory structures shall be at least five feet from the side and rear property lines. Any portion of an accessory structure over 20 feet in height shall be located at least 20 feet from all side and rear property lines that do not abut an alley. For the purpose of this paragraph, height shall be measured **pursuant Paragraph 3.2.6A(1)** ~~from the highest point of the accessory structure.~~

This revision allows an increase of up to 10% to the maximum living area square footage of an accessory dwelling unit, subject to the administrative deviation approval criteria.

2.7.2D(1)(d)

d. The Zoning Administrator shall be authorized to grant an administrative deviation for an increase of up to 10% of the maximum living area of the accessory dwelling unit.

This revision reduces the minimum distance that requires the use of only clearstory windows on accessory dwelling units from 10 to 5 feet of an abutting property line that is zoned single-family residential.

2.7.2D(6)

No windows besides clerestory windows shall be permitted along any portion of the walls of an accessory dwelling unit that is within ~~10~~ **5** feet of an abutting parcel that is zoned single-family residential.

The change from four to seven persons/students is primarily to address caring for children at one's residence as a home occupation without necessitating a special use permit. This change will align more closely with the State considers a "family day care" as seven is the maximum number of children a single individual could be permitted to care for. Additionally, staff does not anticipate any negative impacts by the increase of 3 persons/students for non-childcare related group instruction. Additionally, these revisions will allow home occupations to have one employee on-site who does not reside on the premises to be engaged in said home occupation.

2.7.4A(27)

Academic or other instructions may not be given to more than ~~four~~ **seven** persons at the same time.

2.7.4B(7)

No **more than one** persons, other than members of the family residing on the premises, shall be engaged in the home occupation.

2.7.4C(1)

Any home occupation involving group instruction of ~~four~~ seven or less students per hour is permitted.

2.7.4C(2)

Any home occupation involving group instruction of more than ~~four~~ seven students per hour shall require the issuance of a Conditional Use Permit (see Chapter 9.24).

These revisions define mobile food trucks as principal uses in instances where they become permanent or stationary. Revisions also require mobile food trucks operating in residential zoning districts on a temporary basis to obtain a special event permit.

2.8.2F

Except where operating in residential zoning districts under an issued special event permit, Mmobile food preparation vehicles that adhere to the provisions of Memphis Code of Ordinances Section 9-52-84, et. seq., or the Shelby County Code of Ordinances Chapter 8, Article XVI.

2.8.3G

Mobile Food Preparation Vehicles

Mobile Food Preparation Vehicles operating in a residential zone and adhering to the provisions of Memphis Code of Ordinances Section 9-52-84, et. seq., or the Shelby County Code of Ordinances Chapter 8, Article XVI.

2.9.4G

Principal Uses

Permanent/stationary food preparation vehicle (food truck or food trailer)

12.3.1

MOBILE FOOD PREPARATION VEHICLE: Any motorized vehicle that includes a self-contained or attached trailer kitchen in which food is prepared, processed or stored and used to sell and dispense food to the consumer. Mobile units must be mobile at all times during operations. The unit must be on wheels (excluding boats) at all times. Any mobile units that removes such wheels or becomes stationary shall be considered a Permanent (or Stationary) Food Preparation Vehicle for the purposes of this code.

PERMANENT (OR STATIONARY) FOOD PREPARATION VEHICLE: Any mobile food preparation vehicle shall be considered permanent (or stationary) when not moved daily for cleaning and servicing or where there are dedicated utilities serving the vehicle. Permanent (or stationary) food preparation vehicle status shall be considered a principal use classification as a restaurant.

This revision clarifies that a restaurant with a drive-thru is always considered a principal use and removing it as an accessory use to align with the use chart, Section 2.5.2.

2.9.4G

Principal Uses

Restaurant, **drive-thru or** drive-in

Accessory Uses

~~Drive-thru facility~~

This revision clarifies that the Zoning Administrator is the approving authority.

3.3.1B

Frontage

Unless otherwise approved **by the Zoning Administrator**, each lot must have frontage on a public street or an approved private drive. An alley or rear private drive may not constitute frontage.

These revisions clarify that the required minimum lot width of unsewered or unsewered and public water not available lots is a minimum of 120 feet—this is merely a clarification to match the existing bulk regulations charts within the same sections that regulate the identical situations, i.e. the Code is inconsistent about what the minimum lot width is in these situations at the moment. Additionally, the Code does not explicitly state permitted non-residential uses within residential use districts are required to follow the unsewered or unsewered and public water not available regulations and with these proposed changes it will explicitly state this.

3.6.1B(1)

Unsewered lots – A lot shall contain a minimum of two acres after road dedication, and shall have a minimum width of ~~150~~ **120** feet unless served by a privately owned and maintained sewer system.

3.6.1B(2)

Public Water Not Available – When lots require both individual septic tank systems and a private well for water, the minimum lot size shall be 4 acres after road dedication with a minimum width of ~~150~~ **120** feet.

3.6.1B(5)

Parcels owned by MLGW are exempt from the requirement that a lot have water and sewer (~~moved from Sub-Section 3.6.1C below~~).

3.6.2C

C. Lots not served by public sewer or water:

- 1. Unsewered lots – A lot shall contain a minimum of two acres after road dedication, and shall have a minimum width of 120 feet unless served by a privately owned and maintained sewer system.**
- 2. Public Water Not Available – When lots require both individual septic tank systems and a private well for water, the minimum lot size shall be 4 acres after road dedication with a minimum width of 120 feet.**
- 3. Where the provisions of this Sub-Section cannot be met, the Board of Adjustment may grant a variance to these requirements after receiving a written opinion from the Health Department that the proposed variance would not create a health hazard and the proposed lots are acceptable for septic tank and/or wells.**
- 4. See Section 5.3.3 for additional requirements associated with sanitary sewers and septic systems.**
- 5. Parcels owned by MLGW are exempt from the requirement that a lot have water and sewer.**
- 6. Any lot not served by sewer located within a subdivision shall contain the note included in Paragraph 9.7.8E(6) of this Code.**

3.7.2D(1)

Unsewered lots – A lot shall contain a minimum of two acres after road dedication, and shall have a minimum width of ~~150~~ **120** feet unless served by a privately owned and maintained sewer system. The Shelby County Health Department shall have the authority to mandate that a particular development contain more than two acres, if required for a proper septic system to operate.

3.7.2D(2)

Public Water Not Available – When lots require both individual septic tank systems and a private well for water, the minimum lot size shall be 4 acres after road dedication with a minimum width of ~~150~~ **120** feet.

3.7.3C

C. Lots not served by public sewer or water:

- 1. Unsewered lots – A lot shall contain a minimum of two acres after road dedication, and shall have a minimum width of 120 feet unless served by a privately owned and maintained sewer system.**
- 2. Public Water Not Available – When lots require both individual septic tank systems and a private well for water, the minimum lot size shall be 4 acres after road dedication with a minimum width of 120 feet.**
- 3. Where the provisions of this Sub-Section cannot be met, the Board of Adjustment may grant a variance to these requirements after receiving a written opinion from the Health Department that the proposed variance would not create a health hazard and the proposed lots are acceptable for septic tank and/or wells.**
- 4. See Section 5.3.3 for additional requirements associated with sanitary sewers and septic systems.**
- 5. Parcels owned by MLGW are exempt from the requirement that a lot have water and sewer.**
- 6. Any lot not served by sewer located within a subdivision shall contain the note included in Paragraph 9.7.8E(6) of this Code.**

These revisions clarify that any section of contextual infill may be waived through the subdivision process, whether the subdivision is a major or minor, as appropriate to match the existing character of development in the neighborhood when appropriate. The lot width of contextual infill development is meant to allow the reduction of the minimum lot width required in the bulk regulations of the Code in order to match the existing character of development in the neighborhood when appropriate. The subdivision approval process of Chapter 9.7 already allows requiring larger minimum lot widths to meet the existing character of development in the neighborhood when appropriate.

3.9.2B(4)

~~The lot width provisions of this Section may be waived through either the major or minor subdivision approval process; all other p~~ Provisions of this Section may be waived through the ~~major~~ subdivision approval process, provided a determination is made that no substantial harm will be imposed upon the health, safety and welfare of the surrounding neighborhood. The provisions of this Section may also be waived through the approval of a Certificate of Appropriateness by the Memphis Landmarks Commission.

3.9.2D

The minimum lot width requirements **of this Code may be reduced to** is the smaller of:

1. The average width of the four lots on either side of the project site fronting on the same block face (the two closest lots in either direction along the street); or
2. The average of the widths for all lots fronting on the same block face.

3.10.2E(1)

Unsewered lots – A lot shall contain a minimum of two acres after road dedication, and shall have a minimum width of ~~150~~ **120** feet unless served by a privately owned and maintained sewer system. The Shelby County Health Department shall have the authority to mandate that a particular development contain more than two acres, if required for a proper septic system to operate.

3.10.2E(2)

Public Water Not Available – When lots require both individual septic tank systems and a private well for water, the minimum lot size shall be 4 acres after road dedication with a minimum width of ~~150~~ **120** feet.

This removes the maximum ground floor area in the Commercial Mixed Use – 1 (CMU-1) and Commercial Mixed Use – 3 (CMU-3) districts. A maximum ground floor area regulation is not appropriate as it penalizes larger sites from being built as a single development without justification in these two districts.

3.10.2B

Apartment and Nonresidential

	RW ¹	OG	CMU-1	CMU-2	CMU-3	CBD
Ground floor area (max sq. ft.) ²			15,000	80,000		

²~~Maximum ground floor area shall not apply to sites that were developed prior to Jan. 1, 2011. Buildings on sites developed prior to Jan. 1, 2011, may be expanded, modified or rebuilt and exceed the maximum ground floor area standards.~~

This revision ensures that sidewalks are in good repair by requiring the approval by the City or County Engineer prior to the issuance or revision of any certificate of occupancy permit.

4.2.1A

Prior to the issuance of any ~~use and~~ **certificate of** occupancy permit or the revision of any previously issued ~~use and~~ **certificate of** occupancy permit, the owner of the property on which the requested use is located shall be required to ~~show~~ **obtain approval by the City or County Engineer** that any existing sidewalk or walkway abutting, on, or adjacent to the owner’s property is in good repair.

4.2.1B

If unable to show that the existing sidewalk or walkway abutting on or adjacent to the owner’s meets the standards cited above the Building Official, or the City or County Engineer, may require repair or replacement of the existing sidewalk or walkway **prior to the issuance of the certificate of occupancy.**

This revision increases the minimum sidewalk width from 5 feet to 6 feet when not part of a curb and gutter system.

4.3.4B(1)

A ~~5~~ **6**-foot wide sidewalk shall be located at least 5 feet from the edge of the roadside drainage ditch.

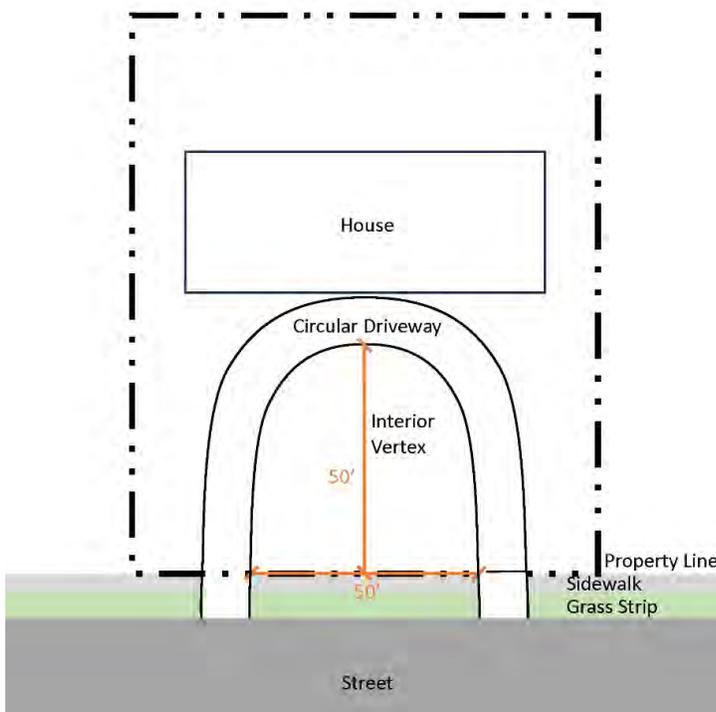
These revisions increase the minimum requirements of circular driveways. The idea being that smaller lots should not have circular driveways as it essentially turns their entire front yard into a parking area.

4.4.4B

The minimum distance from a driveway access point to an intersection shall be 20 feet. No lot may have more than one driveway per street frontage, with the exception of circular driveways which are permitted if the two driveway access points of the circular driveway are at least ~~20~~ **50** feet from each other, **see Item 4.5.2C(1)(e) for additional requirements.**

4.5.2C(1)

e. Circular driveways are prohibited in a front yard, except circular driveways may be permitted in any front yard where the two driveway access points are at least 50 feet from each other and where the interior vertex of the circular driveway is a minimum of 50 feet from the right-of-way.



12.3.1

PARKING PAD: Any impervious surface designed to accommodate one or more parked vehicles. This definition does not include circular driveways, **see Item 4.5.2C(1)(e),** or those linear driveways that lead to a garage or carport.

Housing with two or less residential units fronting local or connector streets would longer require waivers from City Engineering for lack queuing space depth. There is a low volume of traffic associated with two or less residential units.

4.4.8A

Street Type	Residential Units	Queue Space Depth
Local	0 <u>3</u> to 30 units	20 feet
	30+ units	40 feet
Connector	0 <u>3</u> to 150 units	40 feet
	150+ units	60 feet

These revisions clarify how to treat legal non-conforming parking situations that increase the intensity of use of any building by the addition of a dwelling units, gross floor area, seating capacity, etc. or if a building or structure is changed to a new use. An example would be if there is an addition to an existing building, the new parking required per the UDC would fully apply to the addition, but the legally non-conforming parking situation for the remainder of the building that was developed under historical zoning regulations would remain legal non-conforming.

4.5.1D

D. If the intensity of use of any building, structure, or use is increased by the addition of dwelling units, gross floor area, seating capacity, or any other measure of increased intensity, the provisions of this Chapter shall only apply to the extent of such increase in intensity of use.

4.5.1E

E. If the existing use of a building or structure is changed to a new use, such new use shall comply with the provisions of this Chapter; provided, however, that if the existing use is located in a building or structure in existence prior to the effective date of this Code (January 1, 2011), additional parking and loading requirements shall be required only in the amount by which the requirements for the new use exceed the amount required for the existing use if such existing use were subject to the provisions of this Chapter.

Clarification related to which districts have no parking requirements and which districts have alternative parking requirements as opposed to Sub-Section 4.5.3B minimum parking ratios of the Code.

4.5.3B

Minimum Parking Ratios

Off-street parking spaces shall be provided for all uses listed in the amounts specified below. For the purpose of this Sub-Section, the list of “specific uses” in the tables below coincides with the principal uses as articulated in Chapter 2.9. All accessory uses, per Chapter 2.9, shall have the same parking ratio as their principal uses, unless indicated otherwise in this Sub-Section. 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 Section 4.5.4). No minimum off-street parking spaces are required in the CBD District, ~~or the SCBID District, or the MU District.~~ **Reduced Alternative** parking ratios apply in the Uptown District (see Chapter 7.3), ~~and the Medical Overlay District (see Section 8.2.4), and the University District Overlay (see~~ Sub-Section 8.3.10E) for parking requirements in the ~~University District Overlay.~~

Per Article 12 Definitions of the Code “abutting” means “Sharing a common border; adjoining. Parcels across the street from one another are not abutting.” The term “adjacent” may be interpreted to include parcels across the street from one another that do not physical abut one another. The clarification here is that this clause is meant to only apply in the abutting situation.

4.5.5D(1)(b)

The perimeter of all parking and vehicular use areas ~~adjacent~~ **abutting** to a single-family residential district must provide a Class III buffer (see Section 4.6.5).

4.6.5E(3)

The perimeter of all parking and vehicular use areas ~~adjacent to~~ **abutting** a single-family residential district must provide a Class III buffer (see also Sub-Section 4.5.5D).

This revision adds the Mixed Use (MU) District to the District Boundary Buffer Table.

4.6.5B

Subject District	OS	FW	CA	CIV	R-MP	R-E	R-*	RU-1	RU-2	RU-3	RU-4	RU-5	RW	OG	<u>MU</u>	CMU-1	CMU-2	CMU-3	CBD	EMP	WD	IH
RU-1	--	--	I	--	--	I	I	--	--	--	--	--	--	--	II	--	--	--	--	--	--	--
RU-2	--	--	I	--	--	I	I	--	--	--	--	--	--	--	II	--	--	--	--	--	--	--
RU-3	--	--	II	--	--	II	II	--	--	--	--	--	--	--	II	--	--	--	--	--	--	--
RU-4	--	--	II	--	--	II	II	II	II	--	--	--	--	--	II	--	--	--	--	--	--	--
RU-5	--	--	II	--	--	II	II	II	II	--	--	--	--	--	II	--	--	--	--	--	--	--
RW	--	--	II	--	II	II	II	II	II	II	--	--	--	--	II	--	--	--	--	--	--	--
OG	--	--	III	--	III	III	III	III	III	II	--	--	--	--	--	--	--	--	--	--	--	--
<u>MU</u>	II	II	III	II	III	III	II	I	I	II	II	II	II	II	II	II	II	II	II	II	II	II
CMU-1	--	--	III	--	III	III	III	III	III	II	I	I	--	--	II	--	--	--	--	--	--	--
CMU-2	--	--	III	II	III	III	III	III	III	II	II	II	II	II	II	--	--	--	--	--	--	--
CMU-3	--	--	III	II	III	III	III	III	III	III	II	II	II	II	I	--	--	--	--	--	--	--
CBD	--	--	III	II	III	III	III	III	III	III	II	II	II	II	I	--	--	--	--	--	--	--
EMP	--	--	III	III	III	III	III	III	III	III	III	III	III	III	II	III	III	II	--	--	--	--
WD	--	--	III	III	III	III	III	III	III	III	III	III	III	III	III	III	III	III	III	III	--	--
IH	--	--	III	III	III	III	III	III	III	III	III	III	III	III	III	III	III	III	III	III	--	--

* R- = R-15, R-10, R-8, R-6, R-3

Adds minimum distance for trees with mature heights of greater than 30 feet to avoid conflicts with overhead distribution voltage utility wires within required buffers.

4.6.5I

5. **Trees with a mature height of more than thirty (30) feet and up to fifty (50) feet shall be planted at least fifteen (15) feet from any overhead distribution voltage utility wire. Trees with a mature height of more than fifty (50) feet shall be planted at least forty (40) feet from any overhead distribution voltage utility wire. There shall be no restriction on planting trees around secondary voltage wires, communication lines, and other overhead wires.**
6. A minimum buffer width of five feet, or at least half the minimum required buffer width, must be provided outside of any required easements. The majority of buffer plantings and all structures must be located outside the easements.

This revision splits Sub-Item 4.8.4B(3)(b)(1) to clarify screening is always required along a public street or any public access easement, whereas the additional screening requirements shown above as Sub-Item 4.8.4B(3)(b)(2) are only required when within 500 feet of a single-family residential zoning district as measured along the public right-of-way.

4.8.4B(3)(b)

- b. General outdoor storage shall be permitted in association with any permitted nonresidential use (in accordance with Section 4.8.3) 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 along the public street and any public access easement by a Class III buffer as set forth in Section 4.6.5.
 - ~~1~~ **2.** In situations where general outdoor storage is located abutting or across the street from a residential district, such screening shall be high enough to completely conceal all outdoor storage from view. General outdoor storage on sites in the EMP, WD, and IH Districts that are not within 500 feet of single-family residential zoning districts, as measured along the public right-of-way, are exempt from this Sub-Item.
 - ~~2~~ **3.** 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~~ **4.** General outdoor storage may be located in the side or rear setback area.

These proposed revisions will accommodate a project or complex containing a government use or school with a larger monument style sign with or without an electronic or video message board. The current regulations are overly restrictive and have led to numerous variance requests by government agencies and schools, mainly Memphis Public Libraries and Memphis Shelby County Schools, that were approved for larger signs and signs with electronic or video message boards than are permitted at their residentially zoned subject site. Additionally, this further clarifies that said signs must be of the monument style to capture the higher allowable square footage, i.e. not wall or fence signs.

4.9.7B(9)

9. Complex Signs

In addition to the above permitted signage, a complex sign is permitted if the following standards and requirements are met.

a. Standards

The sign may bear no commercial message except the name of a neighborhood, project or complex containing a governmental use, school, or a minimum of thirty-five (35) lots or ten (10) dwelling units.

b. Maximum Gross Surface Area

- i. The maximum gross surface area for a complex sign that conforms with the design standards of Sub-Section 4.9.6M **and Paragraph 4.9.7B(9)** shall not exceed the size shown in the column of the table below opposite the type of street from which the complex is entered.

Street Type	Maximum Gross Surface Area of Sign	Maximum Gross Surface Area of Proj. Containing a Govt. Use or School Monument Sign*
Minor street (see Sec. 12.3.4)	30 square feet	64 square feet
Connector street (see Sec. 12.3.4)	30 square feet	64 square feet
Arterial street (see Sec. 12.3.4)	50 square feet	112 square feet
Controlled access road (see Sec. 12.3.4)	100 square feet	176 square feet

***The maximum square footages in this column are only for monument signs of a project or complex containing a government use or school.**

- ii. Complex signs which are not in conformance with the required elements of Sub-Section 4.9.6M shall be reduced in size from the maximum area permitted, in accordance with each of the following.
 - a. A ten (10) 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(s) or project, neighborhood, or complex character.
 - b. A twelve (12) percent reduction shall be required when an irrigated landscaped area equivalent to two times the sign area is not provided.
 - c. Minimum Setback
Complex signs shall be setback at least ten (10) feet unless attached to a wall or fence.
 - d. Maximum Height
The maximum height of a complex sign shall not exceed the height shown in the table below.

Street Type	Maximum Height of Sign
Minor street (see Sec. 12.3.4)	10 feet
Connector street (see Sec. 12.3.4)	10 feet
Arterial street (see Sec. 12.3.4)	16 feet
Controlled access road (see Sec. 12.3.4)	24 feet

e. Illumination

Direct or indirect illumination shall be permitted.

f. Structural Types Permitted

Complex signs ~~may~~ **shall** be detached **of the monument sign style, creative design styles may be considered via administrative deviation,** or attached to a wall or fence.

g. Maximum Number Permitted

~~One Two~~ complex signs per frontage **or up to two complex signs per frontage of 600 feet or more** are permitted on the periphery of the complex.

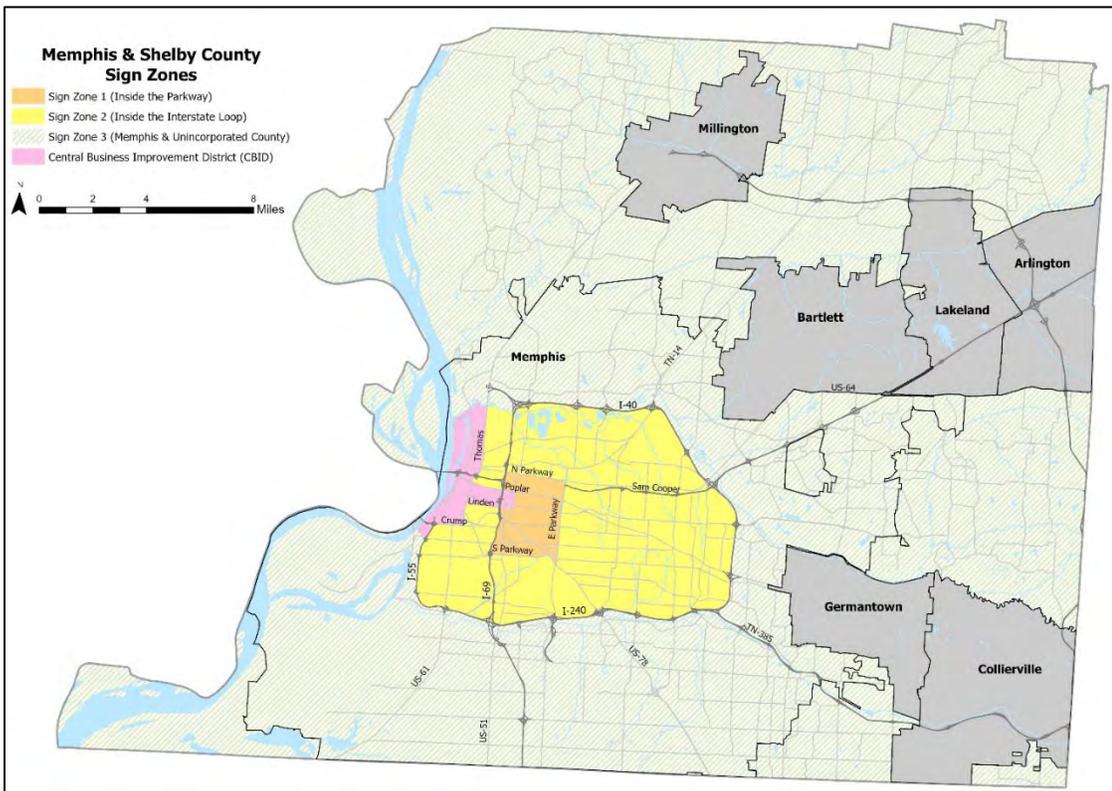
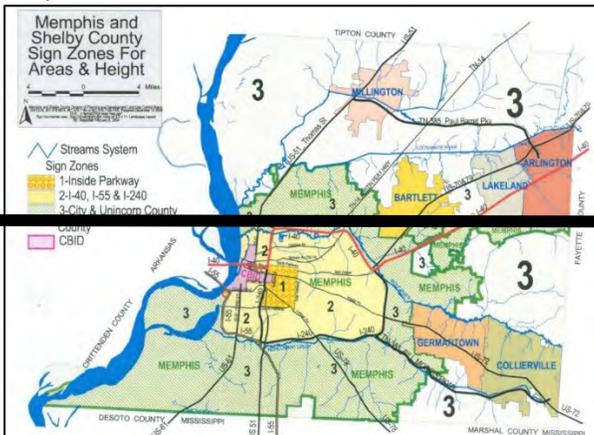
h. Electronic and Video Message Boards

Complex signs of the monument sign style for a project or complex containing a government use or school shall be allowed an electronic or video message board of 36 square feet maximum gross surface area by right. Additional square footage is allowed in accordance with the regulations of Items 4.9.6E(2)(g) or 4.9.6E(2)(h).

Replaces existing sign zones map with the above corrected version of the map.

4.9.7D(2)(b)

Map 3: Zones 1, 2 and 3



This revision prohibits planned developments as an option to circumvent the off-premise sign locational requirements.

4.9.8G(7)

Off-premises signs shall not be permitted to be erected at any location within the City of Memphis and Shelby County except within those zoning districts that expressly allow off-premise signs, in locations where each portion of the installed sign is within 300 feet of U.S. Interstate Highways and the sign face is oriented toward such U.S. Interstate Highway. **In no instance shall an off-premise sign be allowed to circumvent this requirement as a permitted use within a planned development.**

Adds new condition to add to final plats with private street requiring that said streets be maintained in a state of good repair and includes examples what constitutes distressed conditions.

5.2.17D

Maintenance

1. The final plat shall be conditioned as follows:
 - ~~1.a.~~ Require perpetual maintenance of private streets by a property owners association to the same standards as connecting public streets for the safe use of persons using the streets; and
 - b.** State that the City or County has absolutely no obligation or intention to ever accept such streets as public right-of-way.
- 2. Private streets shall be maintained in a state of good repair and free from distressed conditions such as cracking, depressions, potholes, rutting, swelling, and weathering.**

These revisions require approval by the City or County Engineer of sanitary sewer system designs.

5.3.3B

1. All new public sanitary sewer systems shall be designed to conform to the City's Engineering Design and Policy Manual, **approved by the City or County Engineer,** and constructed in accordance with the City Standard Construction Specifications.
2. If lift stations and/or force mains are required, the applicant shall be responsible for installation. All proposed lift stations and/or force mains shall be evaluated on a case-by-case basis **by the City or County Engineer.**
3. For subdivisions designed without access to public sanitary sewer, the developer shall provide a high intensity soils map certified by a State of Tennessee licensed soil scientist as a supplement to the preliminary plan submission. The soils map shall be drawn at a scale of one-inch equals one hundred feet (1'=100') or a larger scale suitable to the size of development if authorized by the Zoning Administrator. The soils map shall illustrate the proposed location of two (2) disposal field bed areas in addition to the location of any principal and accessory uses. Principal and accessory uses are not permitted within the disposal bed area. All disposal field bed areas shall remain undisturbed so that each area can be used for the proper installation of the subsurface sewage disposal system.
4. **Prior to the issuance of any building permit, the applicant shall be required to show that City or County Engineering has approved all sanitary sewer design, connections, lift station, or force main requirements, if applicable.**

Updates responsibilities and responsible agencies regarding Tree Bank Administration.

6.1.3B(3)

Tree Bank Administration

- a. Funds which are contributed to the tree bank will be distributed by the Zoning Administrator. The Zoning Administrator shall consult with the ~~Shelby County Environmental Improvement Committee and/or the Memphis City Beautiful Commission, whichever is appropriate,~~ Memphis and Shelby County Office of Sustainability and Resilience prior to approval of any distribution of tree bank funds.
- b. Expenditure of the funds shall be for program planning, planting public trees, or ~~and may be used for~~ recognition and preservation of trees designated as public trees through a heritage tree program.
- c. A heritage tree program may be developed by one or more of the following agencies:
 - 1. The Memphis Parks Department;
 - 2. The Shelby County Conservation Board;
 - 3. The Memphis City Beautiful Commission; or
 - 4. ~~The Shelby County Environmental Improvement Committee~~ Memphis and Shelby County Office of Sustainability and Resilience.

Removes maximum density requirements from the South Main (SM) District. This is within the urban core of Memphis where residential density is appropriate, desired, and contextually compatible.

7.2.2E(2)

- 2. Maximum Density: **None**
 - 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~~

This change prohibits a drive-in restaurant as a permitted use within the Mixed Use (MU) District. A drive-in restaurant does not align with the pedestrian-oriented intent of the district.

7.3.11

USES PERMITTED	MDR	HDR	MU	UH	ULI
Restaurant, drive-in			✕	P4	X

These revisions allow Civic uses permitted by right in the applicable underlying zoning district to remain permitted by right instead of classifying them as non-conforming uses. This resolves the need for a variance request or the deletion of an existing section of residential corridor that many existing places of worship within residential corridors experience when proposing any new construction.

8.5.1

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 ~~eCivic 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.

8.5.2

Overlay Restrictions

- A. All land fronting the designated Residential Corridor, for a depth of 200 feet, shall not be eligible for rezoning to a mixed use or nonresidential district **or nonresidential planned development** nor shall such land be eligible for a change in use from a residential use to a nonresidential use. Certain ~~eCivic and institutional~~ uses may be permitted **by right or** through the special use process (see **subject to permitted uses of Section 2.5.2 and provisions of Chapter 9.6**).
- 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 use permits for uses other than those outlined above shall be considered.
- C. All nonresidential uses along a Residential Corridor, with the exception of certain ~~civic~~ **Civic and institutional** uses permitted **by right or** through the special use process, are nonconforming uses. Nonconforming uses along a designated Residential Corridor shall be subject to the provisions of Article 10, Nonconformities.
- D. The preferred housing type adjacent to a designated Residential Corridor is a single-family detached structure, or, where appropriate, a large home.

This overlay does not exist anywhere with the City of Memphis or unincorporated Shelby County and has been deemed unnecessary due to its lack of use since creation.

8.10

~~TRANSITIONAL OFFICE OVERLAY (TO)~~ **RESERVED**

Entire Chapter Deleted

This overlay does not exist anywhere with the City of Memphis or unincorporated Shelby County and has been deemed unnecessary due to its lack of use since creation.

8.11

~~NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT (NC)~~ **RESERVED**

Entire Chapter Deleted

The various revisions within the Wellhead Overlay are not considered substantial changes to the content of the overlay but provide clarification, consistent terminology, correct formatting issues, etc. All revisions come from the final version of the adopted version of the Wellhead Overlay Ordinance that were not reflected in the UDC accurately.

8.12

WELLHEAD OVERLAY PROTECTION DISTRICT

Various Minor Updates/Corrections

These revisions reflect process changes to street name changes within the UDC to align with Memphis City Council Ordinance number 5759 and requested to be adopted into the UDC by resolution of the Memphis City Council on September 12, 2023.

9.1.2

C. Review Authority

With respect to this development code, the Land Use Control Board reviews and makes recommendations regarding:

1. Text amendments;
2. Zoning changes;
3. Comprehensive rezonings;
4. Special uses and special use amendments;
5. Planned development outline plan and amendments;
6. **Street Name Change**;
- ~~6.~~ **7.** Right-of-way vacation;
- ~~7.~~ **8.** Right-of-way dedication; and
- ~~8.~~ **9.** Historic district designation.

D. Final Authority

With respect to this development code, the Land Use Control Board shall be responsible for final action (subject to appeal) regarding:

1. Planned development major modifications;
2. Special use major modifications;
3. Major preliminary plans;
4. Resubdivision;
- ~~5.~~ ~~Street name change~~;
- ~~6.~~ **5.** Plat of record vacation; and
- ~~7.~~ **6.** Special exceptions.

9.2.2

	Land Use Control Board	Governing Bodies
Street Name Change	D <u>RR</u>	<u>A</u> <u>D</u>

D = Decision

D* = Decision but no public hearing unless a request for a hearing is properly filed by an individual who was either present at LUCB and made a vocal objection or who submitted written comments to DPD prior to LUCB.

RR = Review & Recommendation

A = Appeal

9.3.4A

	Governing Bodies
Street Name Change	<u>PH-AO</u>

PH = Public Hearing

PH-AO = Public Hearing Upon Appeal or Objection Only (see Section 9.2.2)

9.10.1C

C. The governing bodies shall have the authority to change the name of a street by adoption of an ordinance and shall not be subject to a public hearing and recommendation by the Land Use Control Board. An application shall be submitted to the Zoning Administrator prior to adoption of a street name change on first reading by the governing body.

9.10.3B

The Land Use Control Board shall make a ~~decision~~ **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 in accordance with Sub-Section C below.

9.10.4

Governing Body Action

- A. ~~Appeals of the Land Use Control Board may be made to the governing bodies by an individual who was either present at the Land Use Control Board meeting and made a vocal objection or submitted written comments to the Division of Planning and Development prior to the Land Use Control Board meeting. A written notice of appeal shall be filed with the Zoning Administrator within 14 days after the date of the close of the public hearing.~~ **Within 21 days following the Land Use Control Board public hearing, the Zoning Administrator shall forward the completed request and any related materials, including the Land Use Control Board recommendation, to the governing bodies for final action.**
- B. **Street name changes initiated by the governing bodies shall be subject to a public hearing and public notice in accordance with Section 9.3.4, Public Hearings and Notification** ~~The Zoning Administrator shall forward the Land Use Control Board's decision on any appeal to the appropriate governing body within 21 days of the close of the public hearing.~~

The right-of-way vacation and dedication governing bodies asterisks are being struck here to match the text of Sub-Sections 9.8.5B and 9.9.5B which require a public hearing with mailed notice.

9.2.2

	Governing Bodies
Right-of-Way Vacation	D*
Right-of-Way Dedication	D*

D = Decision

D* = Decision but no public hearing unless a request for a hearing is properly filed by an individual who was either present at LUCB and made a vocal objection or who submitted written comments to DPD prior to LUCB.

This revision will require mailed public notice sent to owners within a 500-foot radius of the subject property for special use permit and planned development major modifications.

9.3.4A

Owners within 500 Ft. Radius¹

Special Use Major Modifications

■

P.D. Major Modifications

■

■ = Public Notice Sent To

This revision is a clarification to the intent of the previous modification of this clause within ZTA 22-1. This clarifies that the changing of uses within PDs via major modification is limited to “trading” within the Residential, Civic, commercial, Industrial, and Open use classifications of the use chart (Section 2.5.2), i.e. one could not propose to trade a permitted Civic principal use to allow an unpermitted Residential principal use as the principal uses are not within the same use classification of Section 2.5.2.

9.6.11E(2)(e)

Changing the permitted uses in a planned development may be processed as a major modification if uses of a lower classification are being changed to uses of a higher classification, but only within the same ~~Use Category~~ **use classification** of Section ~~pursuant to Chapter 2.5~~ **2.5.2 (Residential, Civic, Commercial, Industrial, Open)**. The Zoning Administrator shall determine whether a proposed use is of a higher classification as compared to the existing use on a case-by-case basis.

*This revision adds **drainage, sanitary sewer** to items required to be dedicated and improved as part of a subdivision final plat.*

9.7.2A

A final plat shall require the dedication and improvement of necessary public facilities to provide adequate public streets, sidewalks, **drainage, sanitary sewer**, or other public infrastructure for the development.

This revision clarifies that the minimum required acreage cannot be located within the 100-year floodplain, while anything beyond the minimum required acreage could be within the 100-year floodplain.

9.7.8E(6)

Any plat with a lot or lots not connected to a sanitary sewer system shall include the following note:

“The Shelby County Health Department plat approval only verifies that each lot meets the Shelby County 2-acre (or 4-acre for lots with a well) minimum and **that the 2-acre (or 4-acre for lots with a well) minimum portion containing septic** ~~the lot~~ is not located in the 100-year floodplain. This is not an approval of a septic system on any one lot. The lot owner must apply for a septic installation permit with the Shelby County Health Department. In order to ensure the lot is suitable for a septic system, a TN registered soil scientist must assess and map the soils on the lot. Additionally, the owner should determine if any topographic aspects of the lot will or may

negatively impact the installation of a septic system.”

This revision allows City or County Engineering review of special district administrative site plans when deemed appropriate by the Zoning Administrator in addition to the circumstances in which it is always required. Note this change matches the change in ZTA 22-1 which added the same language to Item 9.12.3B(3)(e) which is within the “Administrative Site Plan Review” chapter while this proposed revision is within the “Special District Administrative Site Plan Review” chapter.

9.13.4D(5)

5. Any development deemed appropriate by the Zoning Administrator.

This revision increases the administrative authority for setback encroachments from 10 to 20% and eliminates the limitation regarding platted setbacks, subject to the administrative deviation approval criteria.

9.21.2A(1)

Setback encroachment – increase or decrease of up to ~~10~~ **20%** of the maximum permitted setback and increase of up to ~~10~~ **20%** of the minimum permitted setback. ~~The Zoning Administrator is not authorized to grant an administrative deviation for encroachments into setbacks indicated on a subdivision plat or planned development final plan, unless otherwise conditioned by the subdivision plat or planned development plan. Any encroachments into these setbacks must be approved by the Board of Adjustment (see Sub-Section 3.2.9F).~~

This revision allows lot size and width reductions of up to 10%, subject to the administrative deviation approval criteria.

9.21.D

D. Lots

- 1. Lot size – reduction of up to 10% of minimum required lot size**
- 2. Lot width – reduction of up to 10% of minimum required lot width.**

The 10-day minimum to mail public notice for public hearings was increased to 25 days as part of ZTA 22-1. While we agree with the spirit of allowing more time for public notice, 25 days has proven difficult to achieve considering our meetings occur monthly. We propose revising the minimum to 20 days. This revision would also apply to 9.23.1C(2) - this specific clause was missed in the previous text amendment.

9.3.4D(1)

Where mailed notice is required, notification shall be mailed not more than 45 or less than ~~25~~ **20** days prior to the date of the public hearing. Mailed notice shall be provided to all property owners within Shelby County in accordance with the provisions of this Code.

9.23.1C(2)

Not less than 28 or more than 63 days after a notice of appeal is filed, the Board of Adjustment shall hold a public hearing and give notice in accordance with Section 9.3.4, Public Hearings and Notification. In the case of

appeals to the Land Use Control Board, not less than 35 or more than 75 days after a notice of appeal is filed, the Land Use Control Board shall hold a public hearing and give notice in accordance with Section 9.3.4, Public Hearings and Notification. For appeals taken by non-property owners, the Division of Planning and Development shall provide notice of the appeal to the property owner by mail and any other reasonable means available no less than ~~10~~ 20 days prior to the date of the public hearing by the Board of Adjustment.

These revisions allow sales to be calculated on a non-annual basis.

12.3.1

BAR: Any establishment primarily in the business of the sale of alcoholic beverages for on-premises consumption and possessing the appropriate licenses for such and where the sale of prepared food-stuffs and other non-alcohol related sales account for 40% or less of the establishment's sales income. For regulatory purposes of this code the following terms are synonymous with "Bar": "Cocktail Lounge", "Nightclub", and "Tavern".

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. Alcoholic beverages shall not constitute more than 60% of the annual establishment's sales ~~at a restaurant~~.

This revision clarifies if any residential units are on a portion of the ground floor that they must be designed to accommodate a future conversion to commercial or office space.

12.3.1

UPPER-STORY RESIDENTIAL: Any residential unit located on any floor above a ground floor nonresidential use, all or a portion of which shall be commercial or office space open to the general public. **Any residential unit located on the ground floor shall not have a raised foundation and must have a minimum floor to floor height of 14 feet.**

These revisions clarify various signage related terminology.

12.3.4

COPY: Any message or image related to a product or service of entity offered or located on the same premise for on-premise signs or located on a premise other than the location of the sign for off-premise signs. Copy shall not include the name of the operator or owner of the sign, nor any messaging related to the sale or lease of the sign or property.

DIGITAL TECHNOLOGY: See video technology.

SIGN FACE: the gross surface areas of a sign as defined in Sub-Section 4.9.6A of this Code.

LETTERS RECEIVED

Thirty-one (31) letters were received at the time of completion of this report and have subsequently been attached.

Ragsdale, Brett

From: Brent Nair <bnairuni87@gmail.com>
Sent: Sunday, March 31, 2024 11:21 AM
To: Ragsdale, Brett
Subject: Opposing ZTA24-2

CAUTION: This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

TO: Land Use Control Board
Re: ZTA 24-2
ATTN: Brett Ragsdale brett.ragsdale@memphistn.gov

LUCB:

I am opposed to the following ZTA proposals in which the Department of Planning and Development is diminishing the voices of Memphis citizens and taking the authority to speak for them.

1.9D The Department of Planning and Development would like to remove a long list of neighborhood plans that have been created by the neighborhoods, often in conjunction with DPD, and some with the City Council. These plans present long-range goals for these neighborhoods, and after more than 20 years in some cases, the goals from those plans are being realized. For example, home ownership has been increasing in Glenview, Rozelle-Annesdale and Vollintine-Evergreen, three neighborhoods that have been working hard to organize and come back with more residents, and more homeowners.

While the data that spurred the plans may be out of date, the goals are very relevant. Removing these plans from the UDC will distance the neighborhood goals from the zoning ordinances, making the plans less likely to be consulted.

Should DPD execute new neighborhood plans in accordance with Memphis 3.0, those can replace these. Until then, these voices of the neighborhood should remain.

9.21.2A(1) & 9.22D What may seem a minor request –DPD is asking to increase their administrative authority for setback encroachments from 10% to 20% --is actually DPD allowing citizens less say and influence in their immediate neighborhoods.

The Department already has the authority to request these changes to code, however presently the neighbors who will be affected by these variances will be notified and will have an opportunity to speak at a public hearing. DPD wants to take away that opportunity for citizens to speak.

Similarly, we would rather the neighbors be alerted when a change is being made to lot size and lot width, and not grant that new authority to DPD.

The neighbors most affected should not be shut out by DPD. Please let citizens continue to have a prominent voice in their neighborhoods. Please **do not grant** this additional authority to DPD.

Sincerely,

Brent Nair
Idlewild Neighborhood
2083 Vinton

Ragsdale, Brett

From: Carmen Blair <myblair_chele@yahoo.com>
Sent: Tuesday, April 2, 2024 12:27 PM
To: Ragsdale, Brett
Subject: Re-ZTA-24-2

 The CoM EmailSecurity System couldn't recognize this email as this is the first time you received an email from this sender myblair_chele@yahoo.com

CAUTION: This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

TO: Land Use Control Board
Re: ZTA 24-2
ATTN: Brett Ragsdale brett.ragsdale@memphistn.gov

LUCB:

I am opposed to the following ZTA proposals in which the Department of Planning and Development is diminishing the voices of Memphis citizens and taking the authority to speak for them.

1.9D The Department of Planning and Development would like to remove a long list of neighborhood plans that have been created by the neighborhoods, often in conjunction with DPD, and some with the City Council. These plans present long-range goals for these neighborhoods, and after more than 20 years in some cases, the goals from those plans are being realized. For example, home ownership has been increasing in Glenview, Rozelle-Annesdale and Vollintine-Evergreen, three neighborhoods that have been working hard to organize and come back with more residents, and more homeowners.

While the data that spurred the plans may be out of date, the goals are very relevant. Removing these plans from the UDC will distance the neighborhood goals from the zoning ordinances, making the plans less likely to be consulted. Should DPD execute new neighborhood plans in accordance with Memphis 3.0, those can replace these. Until then, these voices of the neighborhood should remain.

9.21.2A(1) & 9.22D What may seem a minor request –DPD is asking to increase their administrative authority for setback encroachments from 10% to 20% --is actually DPD allowing citizens less say and influence in their immediate neighborhoods.

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The neighbors most affected should not be shut out by DPD. Please let citizens continue to have a prominent voice in their neighborhoods. Please do not grant this additional authority to DPD.

Thank you,

[Yahoo Mail: Search, Organize, Conquer](#)

University Neighborhoods Development Corporation
578 S. Highland St.
Memphis, TN 38111
undcmemphis.org

April 2, 2024

Land Use Control Board

Re: ZTA 24-2

Attn: Brett Ragsdale brett.ragsdale@memphistn.gov

I am opposed to the following ZTA proposals in which the Department of Planning and Development is diminishing the voices of Memphis citizens and taking the authority to speak for them.

1.9D The Department of Planning and Development would like to remove a long list of neighborhood plans that have been created by the neighborhoods, often in conjunction with DPD, and some with the City Council. These plans present long-range goals for these neighborhoods, and after more than 20 years in some cases, the goals from those plans are being realized. For example, The University District Comprehensive Plan was the result of a partnership among the City of Memphis, the University District, Inc., the University Neighborhoods Development Corporation, the University of Memphis, the University District Business Alliance and the Highland Area Renewal Corporation.

While some of the data that spurred the plans may be out of date, the goals are very relevant. Removing these plans from the UDC will distance the neighborhood goals from the zoning ordinances, making the plans less likely to be consulted.

Should DPD execute new neighborhood plans in accordance with Memphis 3.0, those can replace these. Until then, these voices of the neighborhood should remain.

Thank you,
Cody Fletcher
University Neighborhoods Development Corporation (UNDC)



TO: Land Use Control Board

Re: ZTA 24-2

ATTN: Brett Ragsdale brett.ragsdale@memphistn.gov

LUCB:

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Similarly, we would rather the neighbors be alerted when a change is being made to lot size and lot width, and not grant that new authority to DPD.

The neighbors most affected should not be shut out by DPD. Please let citizens continue to have a prominent voice in their neighborhoods. Please **do not grant** this additional authority to DPD.

Thank you,
D'Andrea "Dee" Franklin
Binghamton Development Corporation

To: Land Use Control Board
Re: ZTA 24-2
Attn: brett.ragsdale@memphistn.gov

Land Use Control Board:

I oppose the following changes to the 2024 Zoning Text Amendment:

1.9D-- **I am a resident of the Glenview neighborhood**, and I am opposed to having our plan removed from the UDC. That plan was created by our neighbors, along with the city and county division (Landmarks) and our neighborhood is benefitting from that plan now. We do not want our voice removed.

3.3.18-- I am opposed to allowing "open space" to be considered as frontage, even in a subdivision. I do not agree with granting the requested authority to the Zoning Administrator and I want each lot to have frontage on a public street or an approved private drive, end of sentence.

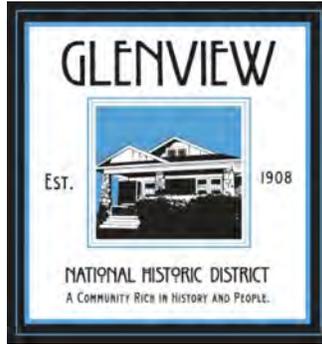
9.21.2A(1)—I do not agree with giving DPD the authority to grant 20% setback encroachments, and I do not want to eliminate the limitation regarding platted setbacks, subject to the administrative deviation approval criteria. Notice should be sent to neighbors abutting and adjoining, and if there is objection, the neighbors should be granted a public hearing. If there is no objection, it can be passed on the consent agenda.

9.21.D—I do not want to grant authority to the Zoning Administrator to make these reductions. Notice should be sent to neighbors/property owners abutting and adjoining, and if there is objection, the neighbors/property owners should be granted a public hearing. If there is no objection, it can be passed on the consent agenda.

9.3.4D(1) and 9.23.1C(2)—I am opposed to having my public notice for public hearings cut by ten days. Please allow the USPS due time.

Thank you,

Earlice Taylor
1663 Glenview Ave
Memphis, TN 38106
Glenview Historic District



GLENVIEW-EDGEWOOD MANOR AREA ASSOCIATION, INC
P. O BOX 140664 MEMPHIS, TN 38114

March 18, 2024

To: Land Use Control Board
Re: ZTA 24-2
Attn: brett.ragsdale@memphistn.gov

Land Use Control Board:

I oppose the following changes to the 2024 Zoning Text Amendment:

1.9D-- **I am a resident of the Glenview neighborhood**, and I am opposed to having our plan removed from the UDC. That plan was created by our neighbors, and our neighborhood is benefitting from that plan now. We do not want our voice removed.

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9.3.4D(1) and 9.23.1C(2)—I am opposed to having my public notice for public hearings cut by ten days. Please allow the USPS due time.

Thank you,

Eartha Reaves
1689 Kendale Ave
Memphis, TN 38106
Glenview Historic District

Ragsdale, Brett

From: Emily Oppenheimer <emoppenheimer@gmail.com>
Sent: Monday, April 1, 2024 4:40 PM
To: Ragsdale, Brett
Subject: ZTA 24-2



The CoM Email Security System couldn't recognize this email as this is the first time you received an email from this sender: emoppenheimer@gmail.com

CAUTION: This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To Mr. Ragsdale and the LUCB,

I am writing to express my fervent opposition to some of the Zoning Text Amendment changes promoted by the DPD. It is my opinion that these changes diminish my voice and input as a proud member of my neighborhood, Annesdale Park, and those of my neighbors and fellow Memphians. In Annesdale Park and many similar neighborhoods, we, the homeowners, have established neighborhood plans that create cooperative visions of how we want our neighborhoods to look and feel. I believe many of these proposed changes are pro-developer and NOT pro-neighborhood.

I vehemently object to the following proposed changes:

1.9 D: I oppose the removal of our neighborhood plans. We have intentionally bought into the neighborhoods we choose to live in, and the shared visions and plans created by my neighborhood and other neighborhoods should be honored and respected by the city, the DPD, and the LUCB.

9.21.2A(1) & 9.22D: DPD's administrative authority should not be increased to approve projects without public/homeowner notification. Homeowners should maintain their right to be notified and to speak or submit comments at public hearings.

Please conduct your business on behalf of the citizens and neighbors who make these neighborhoods sought-after places to be, and not on behalf of the developers that seek to profit off them through their brief engagement in short-term building projects.

HOMEOWNERS DESERVE TO BE THE LOUDEST VOICES IN OUR NEIGHBORHOODS. WE LIVE HERE. WE BOUGHT HERE. WE WILL STAY HERE. OUR VISIONS AND VOICES SHOULD BE RESPECTED.

Thank you,
Emily Oppenheimer

Annesdale Park Neighborhood Association - Vice President
901-238-1547

To: Land Use Control Board
Re: ZTA 24-2
Attn: brett.ragsdale@memphistn.gov

Land Use Control Board:

I oppose the following changes to the 2024 Zoning Text Amendment:

1.9D-- **I am a resident of the Glenview neighborhood**, and I am opposed to having our plan removed from the UDC. That plan was created by our neighbors, along with the city and county division (Landmarks) and our neighborhood is benefitting from that plan now. We do not want our voice removed.

3.3.18-- I am opposed to allowing "open space" to be considered as frontage, even in a subdivision. I do not agree with granting the requested authority to the Zoning Administrator and I want each lot to have frontage on a public street or an approved private drive, end of sentence.

9.21.2A(1)—I do not agree with giving DPD the authority to grant 20% setback encroachments, and I do not want to eliminate the limitation regarding platted setbacks, subject to the administrative deviation approval criteria. Notice should be sent to neighbors abutting and adjoining, and if there is objection, the neighbors should be granted a public hearing. If there is no objection, it can be passed on the consent agenda.

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9.3.4D(1) and 9.23.1C(2)—I am opposed to having my public notice for public hearings cut by ten days. Please allow the USPS due time.

Thank you,

Earlene Holloway
1734 Foster Ave
Memphis, TN 38114
Glenview Historic District

Ragsdale, Brett

From: Esther Gordon <esthergordon98@gmail.com>
Sent: Monday, April 1, 2024 2:16 PM
To: Ragsdale, Brett
Subject: Land use control board Re: ZTA 24-2



The CoM Email Security System couldn't recognize this email as this is the first time you received an email from this sender esthergordon98@gmail.com

CAUTION: This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

TO: Land Use Control Board
Re: ZTA 24-2
ATTN: Brett Ragsdale

LUCB: I am opposed to the following ZTA proposals in which the Department of Planning and Development is diminishing the voices of Memphis citizens and taking the authority to speak for them. 1.9D The Department of Planning and Development would like to remove a long list of neighborhood plans that have been created by the neighborhoods, often in conjunction with DPD, and some with the City Council. These plans present long-range goals for these neighborhoods, and after more than 20 years in some cases, the goals from those plans are being realized. For example, home ownership has been increasing in Glenview, Rozelle-Annesdale and Vollintine-Evergreen, three neighborhoods that have been working hard to organize and come back with more residents, and more homeowners. While the data that spurred the plans may be out of date, the goals are very relevant. Removing these plans from the UDC will distance the neighborhood goals from the zoning ordinances, making the plans less likely to be consulted. Should DPD execute new neighborhood plans in accordance with Memphis 3.0, those can replace these. Until then, these voices of the neighborhood should remain. 9.21.2A(1) & 9.22D What may seem a minor request –DPD is asking to increase their administrative authority for setback encroachments from 10% to 20% --is actually DPD allowing citizens less say and influence in their immediate neighborhoods. The Department already has the authority to request these changes to code, however presently the neighbors who will be affected by these variances will be notified and will have an opportunity to speak at a public hearing. DPD wants to take away that opportunity for citizens to speak. Similarly, we would rather the neighbors be alerted when a change is being made to lot size and lot width, and not grant that new authority to DPD. The neighbors most affected should not be shut out by DPD. Please let citizens continue to have a prominent voice in their neighborhoods. Please do not grant this additional authority to DPD.

Thank you,
Esther Gordon
Central Gardens

Ragsdale, Brett

From: Hunter Oppenheimer <hunteropp@gmail.com>
Sent: Monday, April 1, 2024 4:46 PM
To: Ragsdale, Brett
Subject: Re: ZTA 24-2

CAUTION: This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

LUCB:

I am opposed to the following ZTA proposals in which the Department of Planning and Development is diminishing the voices of Memphis citizens and taking the authority to speak for them.

1.9D The Department of Planning and Development would like to remove a long list of neighborhood plans that have been created by the neighborhoods, often in conjunction with DPD, and some with the City Council. These plans present long-range goals for these neighborhoods, and after more than 20 years in some cases, the goals from those plans are being realized. For example, home ownership has been increasing in Glenview, Rozelle-Annesdale and Vollintine-Evergreen, three neighborhoods that have been working hard to organize and come back with more residents, and more homeowners.

While the data that spurred the plans may be out of date, the goals are very relevant. Removing these plans from the UDC will distance the neighborhood goals from the zoning ordinances, making the plans less likely to be consulted.

Should DPD execute new neighborhood plans in accordance with Memphis 3.0, those can replace these. Until then, these voices of the neighborhood should remain.

9.21.2A(1) & 9.22D What may seem a minor request –DPD is asking to increase their administrative authority for setback encroachments from 10% to 20% --is actually DPD allowing citizens less say and influence in their immediate neighborhoods.

The Department already has the authority to request these changes to code, however presently the neighbors who will be affected by these variances will be notified and will have an opportunity to speak at a public hearing. DPD wants to take away that opportunity for citizens to speak.

Similarly, we would rather the neighbors be alerted when a change is being made to lot size and lot width, and not grant that new authority to DPD.

The neighbors most affected should not be shut out by DPD. Please let citizens continue to have a prominent voice in their neighborhoods. Please **do not grant** this additional authority to DPD.

Thank you,
HUNTER OPPENHEIMER
DLEWILD NEIGHBORHOOD

Ragsdale, Brett

From: skyward_hackle_03@icloud.com
Sent: Wednesday, April 3, 2024 7:00 AM
To: Ragsdale, Brett
Subject: ZTA 2024-002



The CoM Email Security System couldn't recognize this email as this is the first time you received an email from this sender: skyward_hackle_03@icloud.com

CAUTION: This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Ragsdale and Land Use Control Board Members,

I write to you regarding the proposed ZTA 2024-002, with a respectful request to consider the long-term implications of these zoning text amendments on our cherished neighborhoods.

1.9D — Preservation of Neighborhood Plans:

The Department of Planning and Development's (DPD) proposal to remove established neighborhood plans from the Unified Development Code (UDC) is a matter of great concern.

The neighborhood plans for VECA (Vollintine-Evergreen), Glenview, and Rozelle-Annesdale have been instrumental in fostering community spirit and guiding development towards increasing homeownership and revitalization. While the data underpinning these plans may have aged, the goals they set forth remain as pertinent as ever. To remove these plans from the UDC is to sever the vital link between our community's vision and the zoning laws that shape our environment. It is to disregard the voices that have, for over two decades, contributed to the fabric of our neighborhoods.

These plans, often developed in collaboration with DPD and City Council, reflect the aspirations and concerted efforts of our communities. They are not merely documents but are the embodiment of our neighborhoods' identities and futures.

12.3.1 Definition of LUMBERYARD — and Sawmill:

Sawmills, by their very nature, involve processes that are industrial in scale and impact, and thus, should not be conflated with lumberyards. Furthermore, the reclassification of sawmills under the definition of lumberyards poses a significant threat to the residential quality of life. The distinction between the two is not merely semantic but has real-world implications on noise, air quality, and the safety of our neighborhoods.

9.3.2B(1), 9.3.4D(1), & 9.23.1C(2)— Public Notification and Involvement:

While we appreciate the efforts of DPD to keep us informed via email, it is imperative that formal notifications continue to be mailed. The sections of the UDC concerning public notice and involvement are foundational to a democratic process. This ensures that every member of our community, regardless of their access to digital communication, is informed and has the opportunity to participate in the decision-making process that affects our daily lives.

Let us not make hasty decisions that could undermine the very essence of what makes our neighborhoods vibrant and unique. Please, I urge the DPD and LUCB to uphold the principles of good urban planning, community engagement, and inclusivity.

Sincerely,

Ragsdale, Brett

From: Jef <jef.fowler.atx@gmail.com>
Sent: Tuesday, April 2, 2024 8:31 AM
To: Ragsdale, Brett
Subject: ZTA 24-2 Opposition



The CoM Email Security System couldn't recognize this email as this is the first time you received an email from this sender jef.fowler.atx@gmail.com

CAUTION: This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Land Use Control Board (via Brett Ragsdale),

Please register this Memphis homeowner's opposition to the ZTA 24-2 proposals 1.9D, 9.21.2A(1), and 9.22D which would serve to increase the authority of the Dept. of Planning and Development at the expense of my fellow Memphis citizens/neighbors and me.

Thank you,
James Fowler
Vollintine Evergreen

Ragsdale, Brett

From: Jane Jeffrey <jjeffrey1@mac.com>
Sent: Tuesday, April 2, 2024 8:52 AM
To: Ragsdale, Brett
Cc: dlyleswallace@comcast.net; jmckinnoncre@gmail.com; jenniferbethoconnell@gmail.com; dkthomas@gotci.com; lisa@ethridgeenterprises.com; mwsharp@bellsouth.net; sfleming@flemingarchitects.com; brown@gillprop.com; Tolesassoc@aol.com
Subject: ZTA 2024-002

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TO: Land Use Control Board (LUCB)

Re: ZTA 2024-002

ATTN: Brett Ragsdale brett.ragsdale@memphistn.gov

CC: dlyleswallace@comcast.net, jmckinnoncre@gmail.com, jenniferbethoconnell@gmail.com, dkthomas@gotci.com, lisa@ethridgeenterprises.com, mwsharp@bellsouth.net, sfleming@flemingarchitects.com, brown@gillprop.com, Tolesassoc@aol.com

Dear Mr. Ragsdale and Land Use Control Board Members:

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In conclusion, I urge the DPD and LUCB to uphold the principles of transparency and inclusivity. Let us not make hasty decisions that could undermine the very essence of what makes our neighborhoods vibrant and unique. Instead, let us work together to ensure that any changes to the UDC are reflective of the collective will and wisdom of our communities.

Respectfully,
Jane E. Jeffrey
Vollintine-Evergreen

Ragsdale, Brett

From: Jennifer Sanders <jjeclat@gmail.com>
Sent: Wednesday, April 3, 2024 6:42 AM
To: dlyleswallace@comcast.net; jmckinnoncre@gmail.com; jenniferbethoconnell@gmail.com; dkthomas@gotci.com; lisa@ethridgeenterprises.com; mwsharp@bellsouth.net; sfleming@flemingarchitects.com; brown@gillprop.com; Tolesassoc@aol.com; Ragsdale, Brett

CAUTION: This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Ragsdale and Land Use Control Board Members:

I write to you regarding the proposed ZTA 2024-002, with a respectful request to consider the long-term implications of these amendments on our cherished neighborhoods. The Department of Planning and Development's (DPD) proposal to remove established neighborhood plans from the Unified Development Code (UDC) is a matter of great concern. These plans, often developed in collaboration with DPD and City Council, reflect the aspirations and concerted efforts of our communities. They are not merely documents but are the embodiment of our neighborhoods' identities and futures.

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Respectfully,
Jennifer Sanders
Vollintine Evergreen Neighborhood

Ragsdale, Brett

From: Judi Shellabarger <jshellab@comcast.net>
Sent: Friday, March 22, 2024 9:42 AM
To: Ragsdale, Brett
Subject: New zoning for trees under and near lines

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Brett,

While I understand the why of the new tree zoning proposal, it is not practical nor will home owners follow. It is past time for MLGW to update our grid with underground wiring. The streets are open for new sewer lines all over midtown. Verizon has had streets open for the 5G network. They COULD work with other groups.

The Memphis Tree Board proposed an updated tree list for MLGW to put on their website and use as replacement trees when they take a tree down. As of last week, it is still not up on their website. That needs to come first as a planting guide.

The new tree guideline measurements are too far from sidewalk or back alley to be practical. They put trees right against a home.

As a group, we are against these need guidelines. The measurements need to be adjusted. Alleyways need to be mowed every three weeks to keep growth down.

We need new trees for our canopy. Big trees to cool homes and reduce utility usage.

Thank you for your time.

Judi Shellabarger Cooper-Young Historic District Arboretum
Sent from my iPad

Ragsdale, Brett

From: Katherine Larsha <klarsha@yahoo.com>
Sent: Tuesday, April 2, 2024 8:48 AM
To: Ragsdale, Brett; dlyleswallace@comcast.net; jmckinnoncre@gmail.com;
jenniferbethoconnell@gmail.com; dkthomas@gotci.com; lisa@ethridgeenterprises.com;
mwsharp@bellsouth.net; sfleming@flemingarchitects.com; brown@gillprop.com;
Tolesassoc@aol.com
Subject: Land Use Control Board (LUCB) Re: ZTA 2024-002 ATTN: Brett Ragsdale



The CoM Email Security System couldn't recognize this email as this is the first time you received an email from this sender klarsha@yahoo.com

CAUTION: This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Ragsdale and Land Use Control Board Members:

I write to you regarding the proposed ZTA 2024-002, with a respectful request to consider the long-term implications of these amendments on our cherished neighborhoods. The Department of Planning and Development's (DPD) proposal to remove established neighborhood plans from the Unified Development Code (UDC) is a matter of great concern. These plans, often developed in collaboration with DPD and City Council, reflect the aspirations and concerted efforts of our communities. They are not merely documents but are the embodiment of our neighborhoods' identities and futures.

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In conclusion, I urge the DPD and LUCB to uphold the principles of transparency and inclusivity. Let us not make hasty decisions that could undermine the very essence of what makes our neighborhoods vibrant and unique. Instead, let us work together to ensure that any changes to the UDC are reflective of the collective will and wisdom of our communities.

Respectfully,
Katherine Larsha
VECA

[Sent from Yahoo Mail for iPhone](#)

Ragsdale, Brett

From: Scott McDermott <scott.mcdermott209@gmail.com>
Sent: Monday, April 1, 2024 4:11 PM
To: Ragsdale, Brett
Cc: Scott McDermott
Subject: Land Use Control Board - ZTA 24-2

CAUTION: This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

ATTN: Brett Ragsdale:

I am opposed to the following ZTA proposals in which the Department of Planning and Development is diminishing the voices of Memphis citizens and taking the authority to speak for them. 1.9D The Department of Planning and Development would like to remove a long list of neighborhood plans that have been created by the neighborhoods, often in conjunction with DPD, and some with the City Council. These plans present long-range goals for these neighborhoods, and after more than 20 years in some cases, the goals from those plans are being realized. For example, home ownership has been increasing in Glenview, Rozelle-Annesdale and Vollintine-Evergreen, three neighborhoods that have been working hard to organize and come back with more residents, and more homeowners. While the data that spurred the plans may be out of date, the goals are very relevant. Removing these plans from the UDC will distance the neighborhood goals from the zoning ordinances, making the plans less likely to be consulted. Should DPD execute new neighborhood plans in accordance with Memphis 3.0, those can replace these. Until then, these voices of the neighborhood should remain. 9.21.2A(1) & 9.22D What may seem a minor request –DPD is asking to increase their administrative authority for setback encroachments from 10% to 20% --is actually DPD allowing citizens less say and influence in their immediate neighborhoods. The Department already has the authority to request these changes to code, however presently the neighbors who will be affected by these variances will be notified and will have an opportunity to speak at a public hearing. DPD wants to take away that opportunity for citizens to speak. Similarly, we would rather the neighbors be alerted when a change is being made to lot size and lot width, and not grant that new authority to DPD. The neighbors most affected should not be shut out by DPD. Please let citizens continue to have a prominent voice in their neighborhoods. Please do not grant this additional authority to DPD. Thank you,

Kevin McDermott
1827 Mignon Ave, Memphis, TN 38107
VECA. - Vollintine Evergreen Neighborhood

Ragsdale, Brett

From: Lauren Kenworthy <lkenworthy36@gmail.com>
Sent: Monday, April 1, 2024 12:14 PM
To: Ragsdale, Brett
Subject: ZTA proposals



The CoM Email Security System couldn't recognize this email as this is the first time you received an email from this sender kenworthy36@gmail.com

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No
TO: Land Use Control Board
Re: ZTA 24-2
ATTN: Brett Ragsdale brett.ragsdale@memphistn.gov

LUCB:

I am opposed to the following ZTA proposals in which the Department of Planning and Development is diminishing the voices of Memphis citizens and taking the authority to speak for them.

1.9D The Department of Planning and Development would like to remove a long list of neighborhood plans that have been created by the neighborhoods, often in conjunction with DPD, and some with the City Council. These plans present long-range goals for these neighborhoods, and after more than 20 years in some cases, the goals from those plans are being realized. For example, home ownership has been increasing in Glenview, Rozelle-Annesdale and Vollintine-Evergreen, three neighborhoods that have been working hard to organize and come back with more residents, and more homeowners.

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Similarly, we would rather the neighbors be alerted when a change is being made to lot size and lot width, and not grant that new authority to DPD.

The neighbors most affected should not be shut out by DPD. Please let citizens continue to have a prominent voice in their neighborhoods. Please do not grant this additional authority to DPD.

Thank you,
Lauren Kenworthy
Idlewild Historic District
Sent from my iPhone

Ragsdale, Brett

From: Linda Williams <pratfall3@yahoo.com>
Sent: Monday, April 1, 2024 2:30 PM
To: Ragsdale, Brett
Subject: Re: ZTA 24-2



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To the Land Use Control Board
Attention: Brett Ragsdale
April 2, 2024

I am opposed to the following ZTA proposals in which the Department of Planning and Development is diminishing the voices of Memphis citizens and taking the authority to speak for them.

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Thank you,
Linda Williams
Secretary of the Rozelle-Annesdale Area Association

Ragsdale, Brett

From: Mable Johnson <mablejohnson737@gmail.com>
Sent: Wednesday, April 3, 2024 6:49 AM
To: Ragsdale, Brett; tolesassoc@aol.com; dlyleswallace@comcast.net; jmckinnoncre@gmail.com; jenniferbethoconnell@gmail.com; dkthomas@gotci.com; lisa@ethridgeenterprises.com; mwsharp@bellsouth.net; sfleming@flemingarchitects.com; brown@gillprop.com

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Dear Mr. Ragsdale and Land Use Control Board Members:

I write to you regarding the proposed ZTA 2024-002, with a respectful request to consider the long-term implications of these amendments on our cherished neighborhoods. The Department of Planning and Development's (DPD) proposal to remove established neighborhood plans from the Unified Development Code (UDC) is a matter of great concern. These plans, often developed in collaboration with DPD and City Council, reflect the aspirations and concerted efforts of our communities. They are not merely documents but are the embodiment of our neighborhoods' identities and futures.

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Respectfully,
Mable Johnson
Vollintine Evergreen Neighborhood

Ragsdale, Brett

From: Michael Pongetti <Michaelpongetti@outlook.com>
Sent: Wednesday, April 3, 2024 5:32 AM
To: Ragsdale, Brett
Subject: Opposition



The CoM Email Security System couldn't recognize this email as this is the first time you received an email from this sender Michaelpongetti@outlook.com

CAUTION: This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

LUCB:

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Thank you,
Michael Pongetti
533 Diana St
Memphis, TN 38104
Idlewild National Historic District



TO: Land Use Control Board
Re: ZTA 24-2
ATTN: Brett Ragsdale brett.ragsdale@memphistn.gov

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While the data that spurred the plans may be out of date, the goals are very relevant. Removing these plans from the UDC will distance the neighborhood goals from the zoning ordinances, making the plans less likely to be consulted.

Should DPD execute new neighborhood plans in accordance with Memphis 3.0, those can replace these. Until then, these voices of the neighborhood should remain.

9.21.2A(1) & 9.22D What may seem a minor request –DPD is asking to increase their administrative authority for setback encroachments from 10% to 20% --is actually DPD allowing citizens less say and influence in their immediate neighborhoods.

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Similarly, we would rather the neighbors be alerted when a change is being made to lot size and lot width, and not grant that new authority to DPD.

The neighbors most affected should not be shut out by DPD. Please let citizens continue to have a prominent voice in their neighborhoods. Please do not grant this additional authority to DPD.

EXECUTIVE COMMITTEE

Emily Bishop

Karen Lebovitz

Karen Edwards

Sterling Owens



BOARD OF DIRECTORS

Kerri Campbell

Chip Clay

Robert Gordon

Trace Hallowell

Jackie Nichols

Linda Sowell



66 S. Cooper St., Ste. 506
Memphis, TN 38104

info@midtownmemphis.org

MidtownMemphis.org

Thank you,

Emily Bishop

Emily Bishop
President, MidtownMemphis.org



Robert Gordon
P&D Cmte Chair

Ragsdale, Brett

From: Natalia Wobst <natalia.wobst@gmail.com>
Sent: Tuesday, April 2, 2024 9:45 PM
To: Ragsdale, Brett
Subject: Re: ZTA 24-2

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ATTN: Brett Ragsdale brett.ragsdale@memphistn.gov

Dear Land Use Control Board:

We, as representatives of the board of Annesdale Park Neighborhood Association, are opposed to the following ZTA proposals in which the Department of Planning and Development is diminishing the voices of Memphis citizens and taking the authority to speak for them.

1.9D The Department of Planning and Development would like to remove a long list of neighborhood plans that have been created by the neighborhoods, often in conjunction with DPD, and some with the City Council. These plans present long-range goals for these neighborhoods, and after more than 20 years in some cases, the goals from those plans are being realized.

For example, home ownership has been increasing in Glenview, Rozelle-Annesdale and Vollintine-Evergreen, three neighborhoods that have been working hard to organize and come back with more residents, and more homeowners.

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The Department already has the authority to request these changes to code, however presently the neighbors who will be affected by these variances will be notified and will have an opportunity to speak at a public hearing. DPD wants to take away that opportunity for citizens to speak.

Similarly, we would rather the neighbors be alerted when a change is being made to lot size and lot width, and not grant that new authority to DPD.

The neighbors most affected should not be shut out by DPD. Please let citizens continue to have a prominent voice in their neighborhoods. Please do not grant this additional authority to DPD.

Thank you,

Annesdale Park Neighborhood Association

Natalia Wobst, President

Emily Oppenheimer, Vice President

Glenn Vault, Treasurer

Barbara Jennings, Secretary

Bert McElroy, Board Member

Jennifer Lewis, Board Member

Maegan Rusch, Board Member

David Brown, Board Member
Evalie Hill, Board Member

Ragsdale, Brett

From: Ramona Brawner <rbrawner@gmail.com>
Sent: Monday, April 1, 2024 8:59 AM
To: Ragsdale, Brett
Subject: ZTA 24-2 ATTN BRETT RAGSDALE



The CoM Email Security System couldn't recognize this email as this is the first time you received an email from this sender: rbrawner@gmail.com

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TO: Land Use Control Board
Re: ZTA 24-2
ATTN: Brett Ragsdale brett.ragsdale@memphistn.gov

LUCB:

I am opposed to the following ZTA proposals in which the Department of Planning and Development is diminishing the voices of Memphis citizens and taking the authority to speak for them.

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While the data that spurred the plans may be out of date, the goals are very relevant. Removing these plans from the UDC will distance the neighborhood goals from the zoning ordinances, making the plans less likely to be consulted. Should DPD execute new neighborhood plans in accordance with Memphis 3.0, those can replace these. Until then, these voices of the neighborhood should remain.

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Similarly, we would rather the neighbors be alerted when a change is being made to lot size and lot width, and not grant that new authority to DPD.

The neighbors most affected should not be shut out by DPD. Please let citizens continue to have a prominent voice in their neighborhoods. Please do not grant this additional authority to DPD.

Thank you,

Ramona W. Brawner
VOLLINTINE-EVERGREEN NEIGHBORHOOD

Ragsdale, Brett

From: Rebecca Todd <rebeccagogetodd@gmail.com>
Sent: Tuesday, April 2, 2024 1:57 PM
To: Ragsdale, Brett
Subject: ZTA 24-2 - Land Use Control Board

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TO: Land Use Control Board

Re: ZTA 24-2

LUCB:

I am opposed to the following ZTA proposals in which the Department of Planning and Development is diminishing the voices of Memphis citizens and taking the authority to speak for them.

1.9D The Department of Planning and Development would like to remove a long list of neighborhood plans that have been created by the neighborhoods, often in conjunction with DPD, and some with the City Council. These plans present long-range goals for these neighborhoods, and after more than 20 years in some cases, the goals from those plans are being realized. For example, home ownership has been increasing in Glenview, Rozelle-Annesdale and Vollintine-Evergreen, three neighborhoods that have been working hard to organize and come back with more residents, and more homeowners.

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Similarly, we would rather the neighbors be alerted when a change is being made to lot size and lot width, and not grant that new authority to DPD.

The neighbors most affected should not be shut out by DPD. Please let citizens continue to have a prominent voice in their neighborhoods. Please **do not grant** this additional authority to DPD.

Thank you,
Rebecca Todd
ASNA Resident and Homeowner
Cooper Young Neighborhood Homeowner
Edge District Commercial Property Owner

--

Becky Todd
(901) 870-5454 mobile
(901) 725-5625 office
(901) 272-0934 fax

Ragsdale, Brett

From: RENATE ROSENTHAL <renaterosenthal@comcast.net>
Sent: Monday, April 1, 2024 8:00 PM
To: Ragsdale, Brett
Cc: vecahistoric@gmail.com; RENATE ROSENTHAL
Subject: Opposition to Land Use Control Board Item ZTA 24-2

CAUTION: This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Ragsdale,

The Department of Planning and Development would like to remove a long list of neighborhood plans that have been created by the neighborhoods, often in conjunction with DPD, and some with the City Council. These plans present long-range goals for these neighborhoods, and after more than 20 years in some cases, the goals from those plans are finally being realized. Home ownership has been increasing in Glenview, Rozelle-Annesdale and Vollintine-Evergreen, three neighborhoods that have been working hard to organize. VECA recently achieved Landmark status. There is a surge in home ownership and renovations, and young couples with children are moving in

The data that spurred the plans may be out of date, but the goals are still very relevant. Removing these plans from the UDC will distance the neighborhood goals from the zoning ordinances, making the plans less likely to be consulted. Should DPD execute new neighborhood plans in accordance with Memphis 3.0, those can replace the old ones. Until then, the voices of the neighborhood should remain.

What may seem a minor request – DPD is asking to increase their administrative authority for setback encroachments from 10% to 20% --is actually DPD allowing citizens less say and influence in their immediate neighborhoods. Currently, the neighbors who will be affected by these variances will be notified and will have an opportunity to speak at a public hearing. DPD wants to take away that opportunity. Similarly, we would rather the neighbors be alerted when a change is being made to lot size and lot width, and not grant that new authority to DPD.

The neighbors most affected should not be shut out by DPD. Please let citizens continue to have a prominent voice in their neighborhoods. Please do not grant this additional authority to DPD.

Thank you.

Sincerely,

Renate Rosenthal, Ph.D.
2107 Hallwood Drive (Vollintine-Evergreen Historic Neighborhood)
Memphis TN 38107

Steve Redding
1554 Harbert Avenue
Memphis, Tennessee 38104

April 2, 2024

Memphis & Shelby County Land Use Control Board
Division of Planning and Development
125 N. Main Street, Room 468
Memphis, TN 38103

VIA EMAIL

RE: ZTA 24-2: Zoning Text Amendments

Dear Mr. Ragsdale & Members of the Land Use Control Board:

Most of the proposed zoning text amendments appear well in order. However, I do have questions or concerns with a few of the following UDC sections.

Regarding Section 1.9.D which removes a large number of neighborhood plans, have these plans been replaced by subsequent plans? Otherwise, with their removal, we might be negating community goals developed by neighborhoods in conjunction with the City.

Neighborhood oversight and the consequent right to speak before the LUCB are reduced by Sections 9.21.2A(1) and 9.21.D, each giving the Zoning Administrator greater authority over setbacks. Similarly, Sections 2.7.2D(1)(d) and 2.7.2D(6) ease restrictions on living area and setback for accessory dwelling units (ADUs). While expediency and streamlining LUCB processes are certainly worthy actions, the rights and input of those neighbors directly affected by zoning changes can be critical, and will yield a more effective and inclusive land use control process.

Section 4.6.5I limits the planting of trees within 25 or 40 feet of an overhead utility line. If I understand this correctly, it would prevent planting trees in many front or back yards. While I appreciate MLGW's issues with outages and tree trimming costs, I fear this amendment might significantly reduce our tree canopy over the next 25 to 50 years. Input and recommendations from urban foresters might be desirable before moving forward. I believe Nashville has worked with tree experts in this regard.

Thank you,

Steve Redding

Ragsdale, Brett

From: Susan Andrews <sm.andrews@live.com>
Sent: Monday, March 25, 2024 6:37 PM
To: Ragsdale, Brett
Cc: cyndygrivich@gmail.com; Mario Walker; mwinter@flemingarchitects.com; mlc.nstrong@gmail.com; Love@designlovestudio.com; brown@gillprop.com; Joy@eastwestpr.net; Cox, Joyce; fxboyd409@gmail.com; Memphis Mayor; officeofthemayor@shelbycountyttn.gov
Subject: ZTA 24-2

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After consideration of ZTA 24-2 proposed amendments, I have oppositions to the text as follows:

3.3.18-- I am opposed to allowing "open space" to be considered as frontage, even in a subdivision. I do not agree with granting the requested authority to the Zoning Administrator and I want each lot to have frontage on a public street or an approved private drive, end of sentence.

9.21.2A(1)—I do not agree with giving DPD the authority to grant 20% setback encroachments, and I do not want to eliminate the limitation regarding platted setbacks, subject to the administrative deviation approval criteria. Notice should be sent to neighbors abutting and adjoining, and if there is objection, the neighbors should be granted a public hearing. If there is no objection, it can be passed on the consent agenda.

9.21.D—I do not want to grant authority to the Zoning Administrator to make these reductions. Notice should be sent to neighbors abutting and adjoining, and if there is objection, the neighbors should be granted a public hearing. If there is no objection, it can be passed on the consent agenda.

9.3.4D(1) and 9.23.1C(2)—I am opposed to having my public notice for public hearings cut by ten days. Please allow the USPS due time.

Thank you,

Susan M. Andrews
2013 Courtland Pl
Idlewild Historic Neighborhood

Ragsdale, Brett

From: Terry Ryan <terry.ryan@draslovka.com>
Sent: Tuesday, April 2, 2024 7:33 AM
To: Ragsdale, Brett
Subject: ZTA 24-2



The CoM Email Security System couldn't recognize this email as this is the first time you received an email from this sender terry.ryan@draslovka.com

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LUCB:

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Thank you,
Terence Ryan
2015 Harbert ave.

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Ragsdale, Brett

From: Vaughan Dewar <vaughandewar@bellsouth.net>
Sent: Tuesday, April 2, 2024 2:55 PM
To: Ragsdale, Brett
Cc: Robert Gordon
Subject: Opposition to ZTA 24-2 Proposals

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Dewar Mr. Brett Ragsdale,

I am opposed to the following ZTA proposals in which the Department of Planning and Development is diminishing the voices of Memphis citizens and taking the authority to speak for them.

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Thank you,
Vaughan Dewar

Leas Woods Neighborhood Representative

Ragsdale, Brett

From: VECA Communications <hello@veca.org>
Sent: Tuesday, April 2, 2024 9:43 PM
To: Ragsdale, Brett
Cc: dlyleswallace@comcast.net; jmckinnoncre@gmail.com; jenniferbethoconnell@gmail.com; dkthomas@gotci.com; lisa@ethridgeenterprises.com; mwsharp@bellsouth.net; sfleming@flemingarchitects.com; Brown Gill; Tolesassoc@aol.com; VECA Communications
Subject: ZTA 2024-002

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ATTN:

brett.ragsdale@memphistn.gov

CC: dlyleswallace@comcast.net, jmckinnoncre@gmail.com, jenniferbethoconnell@gmail.com, dkthomas@gotci.com, lisa@ethridgeenterprises.com, mwsharp@bellsouth.net, sfleming@flemingarchitects.com, brown@gillprop.com, Tolesassoc@aol.com

April 2, 2024

Dear Mr. Ragsdale and the Land Use Control Board Members,

We, the Vollintine Evergreen Community Association, write to express our deep concerns regarding the proposed zoning text amendments (ZTA 2024-002) scheduled for discussion and a vote at the Land Use Control Board on Thursday, April 11, 2024. Our community has thrived on the principles of civic engagement, neighborhood planning, and grassroots advocacy. The proposed amendments threaten to undermine these principles and the very fabric of our neighborhood's progress.

1.9D — Preservation of Neighborhood Plans:

The neighborhood plans for VECA (Vollintine Evergreen) Glenview, and Rozelle-Annesdale have been a cornerstone in our journey towards revitalization and increased homeownership. These plans, some over two decades old, are not outdated documents but living testaments to our community's aspirations. They have been crafted with the sweat and dedication of our residents, often in collaboration with the DPD and City Council. To remove these plans from the UDC is to silence the voices that have shaped our neighborhood's past and are guiding its future.

12.3.1 Definition of LUMBERYARD— and Sawmill:

A location where lumber and wood-related products used in construction are processed from raw logs or other wood or forest products, stored, or kept for sale. For the purposes of these regulations, locations where chemicals or high-temperature kilns are used in processing shall be classified as sawmills.

The proposed redefinition of 'lumberyard' to include operations akin to 'sawmills' is alarming. Sawmills have no place in or near residential areas, such as the proposed location at 1230 N. Watkins Street (PD 2023-025). The distinction between lumberyards and sawmills is critical to maintaining the residential quality of life. We strongly oppose any amendments that blur this line and potentially expose our community to undue industrial impact.

The presence of industrial operations like sawmills in residential areas affect property values negatively.

9.3.2B(1), 9.3.4D(1), & 9.23.1C(2)— Public Notification and Involvement:

The UDC's provisions for public notice and involvement are not mere formalities but the bedrock of community participation. While digital communications are valuable, they cannot replace the inclusivity of mailed notifications. Every resident deserves the right to be informed and involved, especially when decisions with lasting impacts on their lives are being made.

Limiting public notice to digital communications could exclude those without access to technology, leading to a less informed and less involved community, which undermines the democratic process.

In light of these concerns, we urge the DPD and LUCB to reconsider the proposed ZTA 2024-002. We advocate for a process that respects the voices of our neighborhoods, values the work invested in our community plans, and ensures that any changes to the UDC are made with the broadest possible consensus.

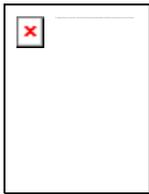
We urge the LUCB Commissioners to consider the negative impacts of the proposed zoning changes, highlighting how approval may undermine community input, lower property values, and weaken community ties. We stress the importance of collaboration and transparency in decision-making to strengthen community and city bonds.

We stand ready to engage in a constructive dialogue and work collaboratively towards solutions that honor the spirit and intent of our existing neighborhood plans.

Thank you for your attention to this matter.

Sincerely,

Vollintine Evergreen Community Association



veca.org

hello@veca.org

1680 Jackson Avenue
Memphis, TN 38107

**MEMPHIS AND
SHELBY COUNTY**  **DIVISION OF PLANNING
AND DEVELOPMENT**

City Hall – 125 N. Main Street, Suite 468 – Memphis, Tennessee 38103 – (901) 636-6619

LAND USE CONTROL BOARD ZONING TEXT AMENDMENT APPLICATION

Date: 02/09/2024

Case/Docket #: ZTA 24-2

PLEASE TYPE OR PRINT

Applicant: Brett Ragsdale Phone #: 901-636-6619

Mailing Address: 125 N. Main St. Ste. 468 City/State: Memphis, TN Zip: 38103

Applicant Email Address: brett.ragsdale@memphistn.gov

 02/09/2024
Signature Date

Attachments: DRAFT Staff Report.
Note, this case will be heard at the April 11th LUCB meeting.

ZTA 24-2

Annual set of amendments to the UDC



Item 3: Pending Legislation

Revises pending legislation clause to match State law.

1.13.3E(2)

Pending Legislation. Any individual, board or body with authority to act upon the regulations of this Code ~~shall~~ **may not** consider pending text amendments to this Code and pending amendments to the Zoning Map, ~~provided the pending amendment(s) have been acted upon by the Land Use Control Board and by one or both governing bodies at second reading (see Chapter 9.4, Text Amendment and Chapter 9.5, Zoning Change)~~ **pursuant** to TCA 29-43-101.

Item 4: Commercial Mobile Communications Services (CMCS) Towers

Reincludes the CMCS tower height maximum of 200 feet with any tower over 200 feet requiring a special use permit.

Relocates the colocation general requirements so that they apply to all CMCS towers to require colocation when feasible in all situations, not only towers that require a special use permit.

2.6.21(2)(h)

Reserved 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.

2.6.21(2)(m)

m. General Requirements

The location, size and design of such facilities shall be such that minimal negative impacts result from the facility. Any application for a new tower shall not be approved nor shall any building permit for a new tower be issued unless the applicant certifies that the 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 structures, 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.

Item 5: Mobile Food Preparation Vehicle

Defines mobile food trucks as principal uses in instances where they become permanent or stationary.

Mobile food trucks operating in residential zoning districts on a temporary basis will be required to obtain a special event permit.

2.8.2F

Except where operating in residential zoning districts under an issued special event permit, mobile food preparation vehicles that adhere to the provisions of Memphis Code of Ordinances Section 9-52-84, et. seq., or the Shelby County Code of Ordinances Chapter 8, Article XVI.

2.8.3G

Mobile Food Preparation Vehicles

Mobile Food Preparation Vehicles operating in a residential zone and adhering to the provisions of Memphis Code of Ordinances Section 9-52-84, et. seq., or the Shelby County Code of Ordinances Chapter 8, Article XVI.

2.9.4G

Restaurant Principal Uses List

Permanent/stationary food preparation vehicle (food truck or food trailer)

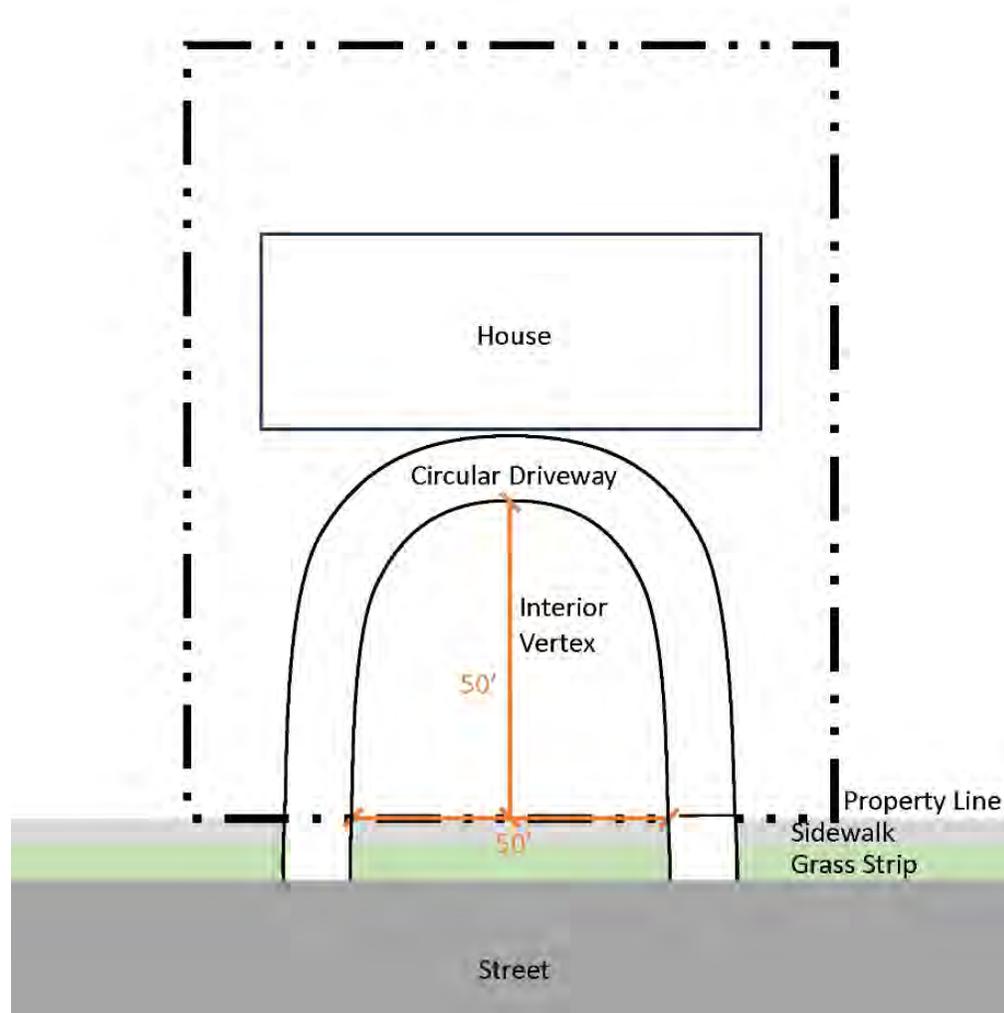
12.3.1

MOBILE FOOD PREPARATION VEHICLE: Any motorized vehicle that includes a self-contained or attached trailer kitchen in which food is prepared, processed or stored and used to sell and dispense food to the consumer. Mobile units must be mobile at all times during operations. The unit must be on wheels (excluding boats) at all times. Any mobile units that removes such wheels or becomes stationary shall be considered a Permanent (or Stationary) Food Preparation Vehicle for the purposes of this code.

PERMANENT (OR STATIONARY) FOOD PREPARATION VEHICLE: Any mobile food preparation vehicle shall be considered permanent (or stationary) when not moved daily for cleaning and servicing or where there are dedicated utilities serving the vehicle. Permanent (or stationary) food preparation vehicle status shall be considered a principal use classification as a restaurant.

Item 6: Circular Driveways

Increases the minimum requirements of circular driveways. The idea being that smaller lots should not have circular driveways as it essentially turns their entire front yard into a parking area.



4.4.4B

The minimum distance from a driveway access point to an intersection shall be 20 feet. No lot may have more than one driveway per street frontage, with the exception of circular driveways which are permitted if the two driveway access points of the circular driveway are at least ~~20~~ **50** feet from each other, see Item 4.5.2C(1)(e) for additional requirements.

4.5.2C(1)

e. Circular driveways are prohibited in a front yard, except circular driveways may be permitted in any front yard where the two driveway access points are at least 50 feet from each other and where the interior vertex of the circular driveway is a minimum of 50 feet from the right-of-way.

Item 7: Street Name Changes

Revisions to reflect process changes to street name changes within the UDC to align with Memphis City Council Ordinance number 5759 and requested to be adopted into the UDC by resolution of the Memphis City Council on September 12, 2023.

9.10.1C

C. The governing bodies shall have the authority to change the name of a street by adoption of an ordinance and shall not be subject to a public hearing and recommendation by the Land Use Control Board. An application shall be submitted to the Zoning Administrator prior to adoption of a street name change on first reading by the governing body.

Item 8: Administrative Flexibility

Allows the Zoning Administrator to approve increased or decreased setback encroachments up to 20%, including platted setbacks; allows administrative lot size and lot width reductions of up to 10%. Subject to administrative deviation approval criteria.

Provides relief to property owners of relatively minor requests.

From 2021-2023, a total of 11 cases before the Board of Adjustment would have been eligible for approval by administrative deviation under this change. All were approved on the consent agenda.

- BOA 20-126 encroachment of 3.2 ft. into a 65 ft. front setback
- BOA 22-064 encroachment of 2 ft. into a 20 ft. side setback
- BOA 22-068 encroachment of 0.4 ft into a 75 ft. front setback
- BOA 22-110 encroachment of 2 ft 9 in. into a 30 ft. side setback and of 6 in. into a 40 ft. front setback
- BOA 22-128 encroachment of 0.4 ft into a 60 ft. front setback
- BOA 22-136 encroachment of 2 ft. into a 20 ft. front setback and 1 ft. into a 20 ft. rear setback
- BOA 22-137 encroachment of 2 ft. into a 20 ft. front setback and of 2 ft. into a 20 ft. rear setback
- BOA 22-138 encroachment of 2 ft. into a 20 ft. front setback and 2 ft. into a 20 ft. rear setback
- BOA 22-139 encroachment of 1.5 ft. into a 20 ft. front setback and of 1.5 ft. into a 20 ft. rear setback
- BOA 23-064 encroachment of 2 ft. into a 40 ft. side setback
- BOA 23-136 encroachment of 7 inches into a 20 ft. rear setback

Item 10: Public Notice

The 10-day minimum to mail public notice for public hearings was increased to 25 days as part of ZTA 22-1.

While we agree with the spirit of allowing more time for public notice, 25 days has proven difficult to achieve considering our meetings occur monthly. We propose revising the minimum to 20 days.

This would also apply to 9.23.1C(2) as this specific clause was missed in the previous text amendment.

9.3.4D(1)

Where mailed notice is required, notification shall be mailed not more than 45 or less than ~~25~~ **20** days prior to the date of the public hearing. Mailed notice shall be provided to all property owners within Shelby County in accordance with the provisions of this Code.

9.23.1C(2)

Not less than 28 or more than 63 days after a notice of appeal is filed, the Board of Adjustment shall hold a public hearing and give notice in accordance with Section 9.3.4, Public Hearings and Notification. In the case of appeals to the Land Use Control Board, not less than 35 or more than 75 days after a notice of appeal is filed, the Land Use Control Board shall hold a public hearing and give notice in accordance with Section 9.3.4, Public Hearings and Notification. For appeals taken by non-property owners, the Division of Planning and Development shall provide notice of the appeal to the property owner by mail and any other reasonable means available no less than ~~10~~ **20** days prior to the date of the public hearing by the Board of Adjustment.

Item 2: Neighborhood Plan Recognition Program

Since the adoption of the Memphis 3.0 Comprehensive Plan in 2019, DPD has turned its attention to promoting more neighborhood planning throughout the city. In addition to conducting 14 neighborhood, area, or corridor plans, DPD has published a Small Area Planning Guide to assist neighborhood planning and Community Improvement Guide to assist neighborhood plan implementation.

 **Memphis3.0**

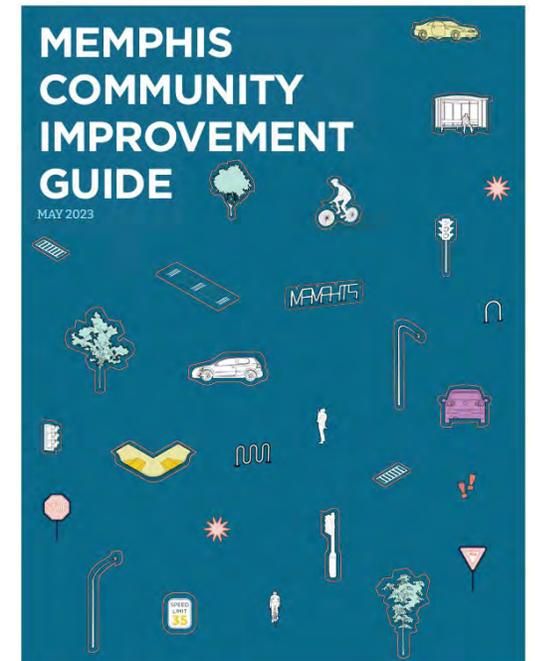


Contents

Introduction	1
Small Area Plan Types	6
- Anchor Plans	7
- Corridor Plans	9
- Transitional Area Plans	10
Small Area Plan Criteria	12
Community Values	14
Steps of the Small Area Planning Process	18
Applicant Information	29

Small Area Planning Guide

City of Memphis, Tennessee
Division of Planning and Development | Comprehensive Planning
December 2020



Item 2: Neighborhood Plan Recognition Program

When neighborhood plans are completed by DPD, they get adopted in Memphis 3.0 as associated plans in the appendix. This gives these plans greater weight in the land development process.

But when a neighborhood develops a plan on its own, there is no such avenue for recognition.



Summer Avenue |
Complete Streets Study



Orange Mound Small Area Plan
City of Memphis
Division of Planning & Development
November, 2021

Item 2: Neighborhood Plan Recognition Program

Under the current code, a select number of plans are listed in Chapter 1.9 as other plans that may be considered. This list predates the UDC (pre-2010), has never been updated, and contains several outdated plans that have since been replaced or plans that cannot be located.

More importantly, many neighborhoods and neighborhood plans are left out of this list.

- D. The following plans may be considered in any decisions under this development code.
1. Bicentennial Plan;
 2. Community Redevelopment Plan for the University Neighborhood Development Corporation/Highland Row Area;
 3. Community Redevelopment Plan for the Uptown Area;
 4. Downtown Streetscape Master Plan;
 5. Eastview Area Redevelopment Plan;
 6. Frayser (Futures) District Plan;
 7. Glenview Area Plan;
 8. Grays Creek Area Plan;
 9. 2000 Main Street Master Plan;
 10. MPO Long Range Transportation Plan;
 11. MPO Bicycle and Pedestrian Plan;
 12. Medical Center Area Plan;
 13. Midtown Corridor East/Binghampton Plan;
 14. Mud Island Report;
 15. Normal Station Area Plan;
 16. Rozelle Annesdale Neighborhood Plan;
 17. Shelby County Greenway Plan;
 18. South Central Business Improvement District Area Plan;
 19. South Forum "SoFo" Redevelopment Plan;
 20. South Memphis District Plan;
 21. Uptown Redevelopment Plan;
 22. University District Comprehensive Plan;
 23. Victorian Village Redevelopment Plan;
 24. Vollintine-Evergreen Plan;
 25. Whitehaven District Plan;
 26. Winchester Park Area Study; and
 27. Any other plans approved by the Memphis City Council and the Shelby County Board of Commissioners.

Item 2: Neighborhood Plan Recognition Program

The proposed change creates a two-part process of neighborhood plan recognition, expanding the opportunity for neighborhood plans to be included for consideration and enhancing the way neighborhood plans are considered.

NEW 1.9D: Any other plans approved by the Memphis City Council or the Shelby County Board of Commissioners after December 3, 2019, shall be considered in any decisions under this development code. Plans prepared by or filed with Division of Planning and Development, but not approved by the Memphis City Council or Shelby County Board of Commissioners, may also be considered.

Item 2: Neighborhood Plan Recognition Program

Amendment Requested

AMENDED 1.9D: Any other plans approved by the Memphis City Council or the Shelby County Board of Commissioners after December 3, 2019, shall be considered in any decisions under this development code. Plans prepared by or filed with Division of Planning and Development, including but not limited to ~~but not approved by the Memphis City Council or Shelby County Board of Commissioners, The~~ the following plans may also be considered in any decisions under this development code.

1. Bicentennial Plan;
2. Community Redevelopment Plan for the University Neighborhood Development Corporation/Highland Row Area;
3. Community Redevelopment Plan for the Uptown Area;
4. Downtown Streetscape Master Plan;
5. Eastview Area Redevelopment Plan;
6. Frayser (Futures) District Plan;
7. Glenview Area Plan;
8. Grays Creek Area Plan;
9. 2000 Main Street Master Plan;
10. MPO Long Range Transportation Plan;
11. MPO Bicycle and Pedestrian Plan;
12. Medical Center Area Plan;
13. Midtown Corridor East/Binghampton Plan;
14. Mud Island Report;
15. Normal Station Area Plan;
16. Rozelle Annesdale Neighborhood Plan;
17. Shelby County Greenway Plan;
18. South Central Business Improvement District Area Plan;
19. South Forum “SoFo” Redevelopment Plan;
20. South Memphis District Plan;
21. Uptown Redevelopment Plan;
22. University District Comprehensive Plan;
23. Victorian Village Redevelopment Plan;
24. Vollintine-Evergreen Plan;
25. Whitehaven District Plan;
26. Winchester Park Area Study; and
27. Any other plans approved by the Memphis City Council and the Shelby County Board of Commissioners.

Not Listed: Sign Regulations

Amendment Requested

AMENDED 4.9.8G(7)

In no instance shall an off-premise sign erected after July 1, 2024 be allowed to circumvent this requirement as a permitted use within a planned development.

AMENDED 12.3.4

COPY: Any message or image related to a product or service of entity offered or located on the same premise for on-premise signs or located on a premise other than the location of the sign for off-premise signs. ~~Copy shall not include the name of the operator or owner of the sign, nor any messaging related to the sale or lease of the sign or property.~~ Copy shall not include a business, product, property, or service which no longer exists or is no longer for sale or lease on the same premise where an on-premise sign is located.

NEW 4.9.15F(1)(c)(iii)

Copy or sign face displaying the leasing or selling of the sign is not removed or replaced after 365 days.

**NOTICE TO INTERESTED OWNERS OF PROPERTY
(Zoning Text Amendment)**

You will take notice that a public hearing will be held by the Memphis City Council in session in the City Council Chambers, 125 North Main Street, Memphis City Hall, First Floor., on **Tuesday, July 23, 2024, at 3:30 P.M.**, in the matter of granting an application for amendments to the Memphis and Shelby County Unified Development Code as adopted by the City of Memphis on August 10, 2010, and by Shelby County on August 9, 2010 to revise and enhance the joint zoning and subdivision regulations as recommended by the Memphis and Shelby County Division of Planning & Development and the Land Use Control Board, applying to all unincorporated territory in Shelby County, Tennessee, by which it is sought to approve the following text amendments:

CASE NO.: **ZTA 24-2**

LOCATION: **City of Memphis and Unincorporated Shelby County**

APPLICANT: **Division of Planning and Development**

REQUEST: Under this proposal, the Memphis and Shelby County Unified Development Code will be amended to reflect the annual list of updates proposed by the Division of Planning and Development. To view these amendments, please visit the following website: <http://www.shelbycountyttn.gov/Blog.aspx?CID=7> or the Division of Planning and Development at 125 N. Main Street, Suite 468, Memphis, TN 38103.

RECOMMENDATIONS:

Memphis and Shelby County Division of Planning and Development:

Approval

Memphis and Shelby County Land Use Control Board:

Approval

NOW, THEREFORE, you will take notice that on **Tuesday, July 23, 2024, at 3:30 P.M.** the Memphis City Council will be in session at the City Council Chambers, Memphis City Hall First Floor, 125 North Main Street, Memphis, Tennessee, to hear remonstrance's or protests against the making of such changes; such remonstrances or protests must be by personal appearances, or by attorneys, or by petition, and then and there you will be present if you wish to remonstrate or protest against the same.

TO BE PUBLISHED, Tuesday, July 9, 2024 , in the Daily News. Please furnish Ms. Crystal Givens, Comptroller, 125 North Main Street, Memphis, Tennessee, with 5 tear sheets.