



MEMORANDUM

To: Members of the Memphis City Council

From: Josh Whitehead, Assistant City Attorney 

Date: September 21, 2010

Subject: **ZTA 10-001 CC: Amendment to the Midtown Overlay District**

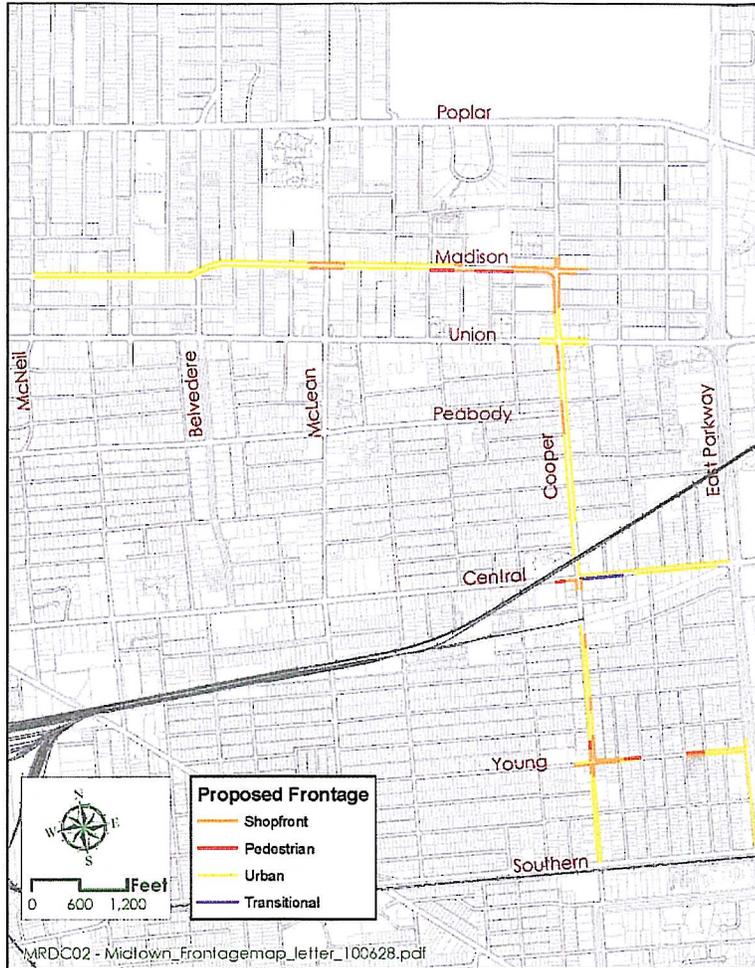
The purpose of this memorandum is to offer, for your consideration, an amendment to Zoning Text Amendment (ZTA) 10-001 CC, Adoption of the Midtown Overlay District. This amendment reflects the will of the Memphis City Council expressed at both a Special Session of the Council on September 7, 2010, and during the Second Reading of the ZTA at Committee on September 14, 2010. As the Midtown Overlay District is being inserted into a joint City-County Code, amendments must be approved by both the Memphis City Council and the Shelby County Board of Commissioners. The Memphis City Council is scheduled to consider this item on Third and Final Reading on September 28, 2010.

This amendment involves three provisions of the Midtown Overlay District, which are described in detail below. Following this memorandum are the actual pages from the Midtown Overlay District document, which demonstrates these changes.

1. Section 1.6.2: Frontage Map

The Frontage Map designates certain streets and parcels that must meet minimum design standards. Basically, these design standards require that 1) buildings are to be constructed in close proximity to the sidewalk to create an urban built environment; 2) parking is to be located to the rear or along the sides of buildings; 3) buildings are to cover a certain percentage of the width of their lot and 4) the ground floor of buildings are to include a certain percentage of show windows to create a pedestrian-friendly environment.

The amendment requested shall delete parcels along two roadways from this Frontage Map: Union Avenue and East Parkway. As the map below indicates, the sections of Union and Parkway included in the Frontage Map are relatively minor when compared to the frontages along Madison, Cooper, Central and Young. The section of Union is limited to roughly 200 feet to the west of its intersection with Cooper and 300 feet to the east. The section of Parkway is limited to the section between Young and Southern Avenues. Since Union and Parkway are six-lane federal highways, it was determined that requiring buildings to be placed in close proximity to these streets may not be feasible.

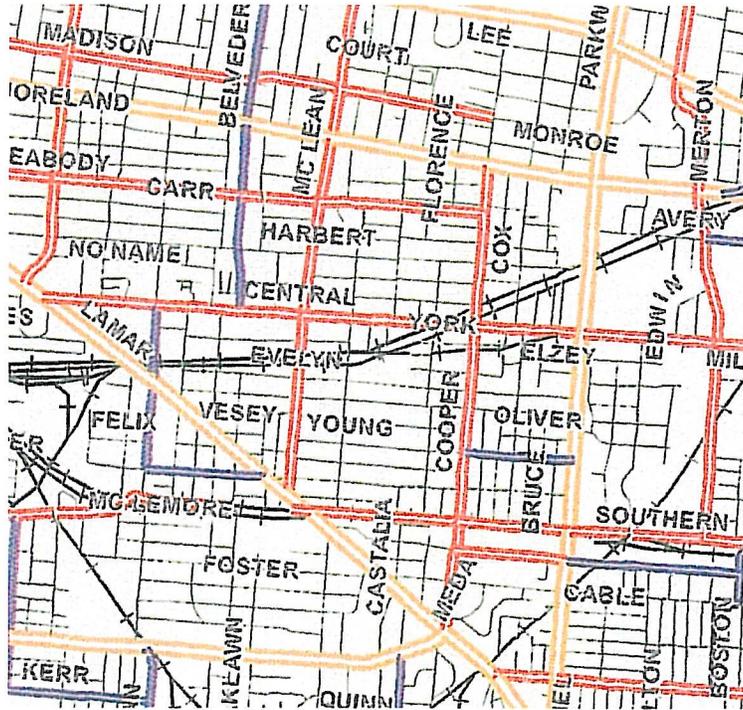


Midtown Plan - Proposed Frontage Map

2. Paragraph 1.6.3A(4)

This paragraph stipulates that all buildings within 250 feet of the intersection of two major roads must adhere to the frontage standards described above. It was determined that frontage standards should not occur automatically; rather, they should be applied by the legislative bodies either through the text amendment process or through the zoning map revision process (ie, a rezoning) to place the owners, neighbors and all other interested parties on notice. As such, a similar paragraph was removed from the Unified Development Code (see ZTA 10-002 CO, amendments to the UDC). The map below indicates in red, orange and purple which roads in Midtown are considered “major roads” by the Long Range Transportation Plan. If the following paragraph were not deleted, frontage standards would apply to all areas within 250 feet of these intersections.

(Paragraph to be deleted): If a development, or portion of a development in a non-designated frontage within a CMU district is within 250 feet of the intersection (as measured from the intersection of the projection of the right-of-ways) of two major roads then the development, or portion of the development within the 250 foot zone, shall comply with the transitional frontage standards.



3. Sections 1.6.5; 1.6.7; 1.6.8; 1.6.9 and 1.6.10

Following the table that describes all frontage standards in Section 1.6.4, each frontage standard is explained in greater detail in the sections that follow. It has been discovered that there are two inconsistencies in these sections: 1) That the minimum ground floor transparency (ie, windows and doors) should be 50% rather than 60%, and 2) that the transparency should allow views of up to 8 feet into the window rather than 15 feet. This amendment will square the above-referenced sections with one another and the table in Section 1.6.4.

1.6.3 Frontage Standards

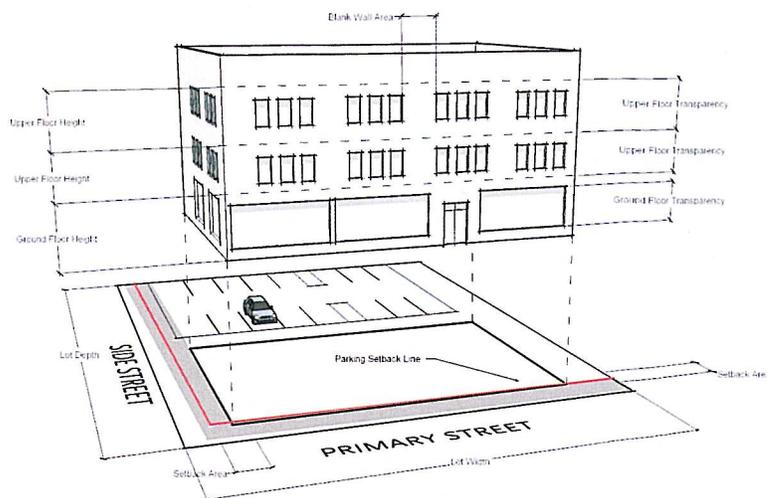
A. Applicability

1. The building regulations for sites with a designated frontage vary based on the frontage type assigned to a specific property. The Frontage Map specifically designates frontages. To determine whether or not a designated frontage has been assigned to a specific property consult the Frontage Map in section 1.6.2
2. Any development or portion of a development, adjacent to a designated frontage on the Zoning Map shall comply with the standards established for the designated frontage type.
3. All stand-alone K-12 public or private schools, places of worship, libraries and other types of public buildings are exempt from the designated frontage requirements and are only required to meet the requirements in Subsection 3.10.2B of the UDC; Title 16, Appendix A, Code of Ordinances, City of Memphis and Appendix A, Appendix: Illustration of Certain Terms, Code of Ordinances, County of Shelby.
- ~~4. If a development, or portion of a development in a non-designated frontage within a CMU district is within 250 feet of the intersection (as measured from the intersection of the projection of the right-of-ways) of two major roads then the development, or portion of the development within the 250 foot zone, shall comply with the transitional frontage standards.~~
5. Structured parking is permitted fronting on any street provided that on a Shopfront, Pedestrian or Urban designated frontage all frontage requirements are met. Such buildings shall contain active ground floor uses along the designated frontage for minimum depth of least 25 feet. If frontage width requirements are met by the primary building, then the remaining portion of the lot may be occupied by a parking garage without an active ground floor use.
6. Location and screening requirements for drive-thru facilities are set forth in Subsection 1.9.5 of the UDC; Chapter 16-120, Code of Ordinances, City of Memphis and Appendix A, Section 32, Code of Ordinances, County of Shelby.

B. Building Form Standards

1. The following building form standards apply to all buildings and housing types on designated frontages regardless of the underlying zoning district.
2. For apartment and nonresidential, district regulations pertaining to tract or lot area, tract or lot width, building height, and ground floor area still apply and are listed in Subsection 3.10.2B of the UDC; Title 16, Appendix A, Code of Ordinances, City of Memphis and Appendix A, Appendix: Illustration of Certain Terms, Code of Ordinances, County of Shelby.
3. For all other housing types, district regulations pertaining to tract or lot area, tract or lot width, unit width and building height still apply and are listed in Subsection 3.10.2C of the UDC; Title 16, Appendix A, Code of Ordinances, City of Memphis and Appendix A, Appendix: Illustration of Certain Terms, Code of Ordinances, County of Shelby.

1.6.5 SHOPFRONT – See Section 1.8.3 for streetscape requirements/ See Section 1.9.3C for parking landscaping requirements



PLACEMENT

ELEMENTS

HEIGHT

SETBACK AREA

2ft min. (7 ft. if ground floor use is a restaurant with outdoor seating) to 15 ft. behind ROW line.

CONTEXTUAL INFILL

For any infill project along a designated Shopfront Frontage with less than 75 feet of frontage, and upon approval of the Planning Director, structures may be located closer to the ROW line than the minimum setback provided that the structure is located within the range of front setbacks on the street. This range of setbacks is measured on the basis of the four structures surrounding the project site (the two closest lots in either direction along the street). The new structure shall be located within the range of established setbacks (no closer than the narrowest setback, no further than the deepest setback). Where a setback in these four lots is significantly out of the range of setbacks along the street, it may be eliminated from the range.

REQUIRED BUILDING FRONTAGE

1. Primary street (sites 100 ft. or more in width). The building façade must be located within the setback area for a minimum of 80% of the site width.
2. Primary street (sites less than 100 ft. in width). The building façade must be located within the setback area for a minimum of 70% of the site width. For sites under 100 ft. in width, the required building frontage may be reduced to accommodate no more than a single 20-ft. access drive for a rear parking area.
3. Side street. The building façade must be located within the setback area for a minimum of 40% of the site depth.
4. A frontage wall may be included in the calculation of required building frontage with the approval of an administrative deviation.

SIDE/REAR SETBACKS

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

PARKING SETBACK (Structure or Lot)

1. Primary street setback. Min 15 ft. behind ROW line.
2. Side street setback. Min 10ft. behind ROW line.
3. Abutting single-family Min 10 ft.
4. Parking shall be located behind the parking setback line. No parking is permitted between the street and the building. This requirement shall not restrict on-street parking.
5. On street parking is preferred.

TRANSPARENCY (WINDOWS & DOORS)

1. Ground floor. Primary Street 50% min, Side Street 30% min. Ground floor transparency is measured between 2 and 12 ft. above the adjacent sidewalk.
2. Upper floor. Min 20% (floor to floor).
3. A minimum of 50-60% of the window pane surface area shall allow views into the ground floor for a depth of at least 8 ft. Windows shall not be made opaque by window treatments (excepting operable sunscreen devices within the conditioned space).

BUILDING ENTRANCE

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

BUILDING FAÇADE

Blank lengths of wall exceeding 25 linear feet are prohibited on all primary and side street building façades. Façades greater than 75 feet in length along primary and side streets, as measured horizontally, shall be articulated to provide visual interest and a human scale by incorporating any combination of the following features: columns, pilasters, balconies, piers, variation of material building and setback variations of at least 2 feet. No uninterrupted length of any façade shall exceed 75 horizontal feet.

GROUND FLOOR ELEVATION

For ground floor residential uses, the ground floor finished elevation shall be a minimum of 18 inches above the adjacent sidewalk. There is no minimum for ground floor nonresidential uses.

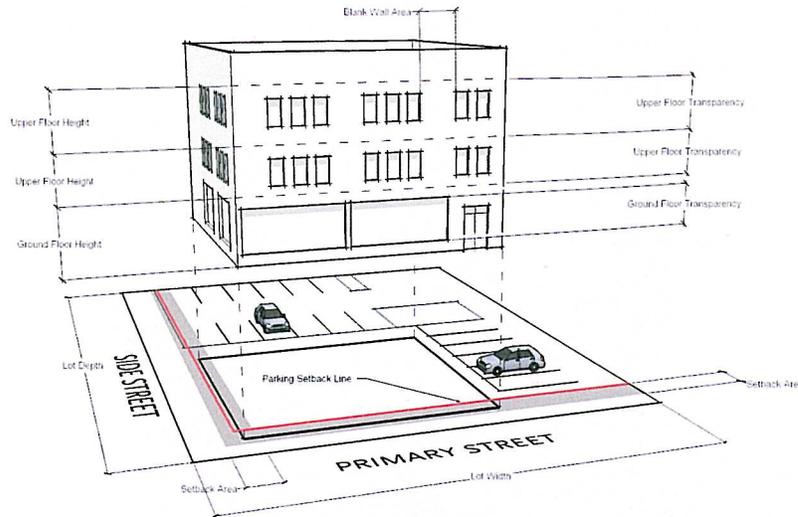
FLOOR HEIGHT

1. Ground floors shall have a floor to floor height of at least 14 ft.
2. Each upper floor shall have a floor to floor height of at least 10 ft.

MULTIPLE STORIES

Multiple stories are encouraged, but not required

1.6.7 URBAN – See Section 1.8.3 for streetscape requirements/ See Section 1.9.3C for parking landscaping requirements



PLACEMENT

ELEMENTS

HEIGHT

SETBACK AREA

2ft min. (7 ft. if ground floor use is a restaurant with outdoor seating) to 20 ft. behind ROW line.

REQUIRED BUILDING FRONTAGE

1. Primary street lots 100 ft. or more in width). The building façade must be located within the setback area for a minimum of 70% of the lot width.
2. Primary street (lots less than 100 ft. in width). The building façade must be located within the setback area for a minimum of 60% of the lot width.
3. Side street. The building façade must be located within the setback area for a minimum of 35% of the lot depth.
4. A frontage wall may be included in the calculation of required building frontage with the approval of an administrative deviation.

SIDE/REAR SETBACKS

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

PARKING SETBACK (Structure or Lot)

1. Primary street setback. Min 15 ft. behind ROW line.
2. Side street setback. Min 10 ft. behind ROW line.
3. Abutting single-family Min 10 ft.
4. Parking shall be located behind the parking setback line. No parking is permitted between the street and the building. This requirement shall not restrict on-street parking.
5. On street parking is preferred.

TRANSPARENCY (WINDOWS & DOORS)

1. Ground floor. Primary Street, Nonresidential Use, 50% min, Residential Use: 20% min. Side Street, Nonresidential Use: 30% min, Residential Use: 20% min. Ground floor transparency is measured between 2 and 10 ft. above the adjacent sidewalk. Ground floor residential, office and industrial uses may provide translucent windows to meet all transparency requirements.
2. Upper floor. Min 20% (floor to floor).
3. Retail sales and service uses. A minimum of 50 60% of the window pane surface area shall allow views into the ground floor for a depth of at least 8 ft. Windows shall not be made opaque by window treatments (excepting operable sunscreen devices within the conditioned space).

BUILDING ENTRANCE

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

BUILDING FAÇADE- Blank lengths of wall exceeding 35 linear feet are prohibited on all primary and side street building façades. Façades greater than 100 feet in length along primary and side streets, as measured horizontally, shall be articulated to provide visual interest and a human scale by incorporating any combination of the following features: columns, pilasters, balconies, piers, variation of material building and setback variations of at least 3 feet. No uninterrupted length of any façade shall exceed 100 horizontal feet.

GROUND FLOOR ELEVATION

For ground floor residential uses, the ground floor finished elevation shall be a minimum of 18 inches above the adjacent sidewalk. There is no minimum for ground floor nonresidential uses.

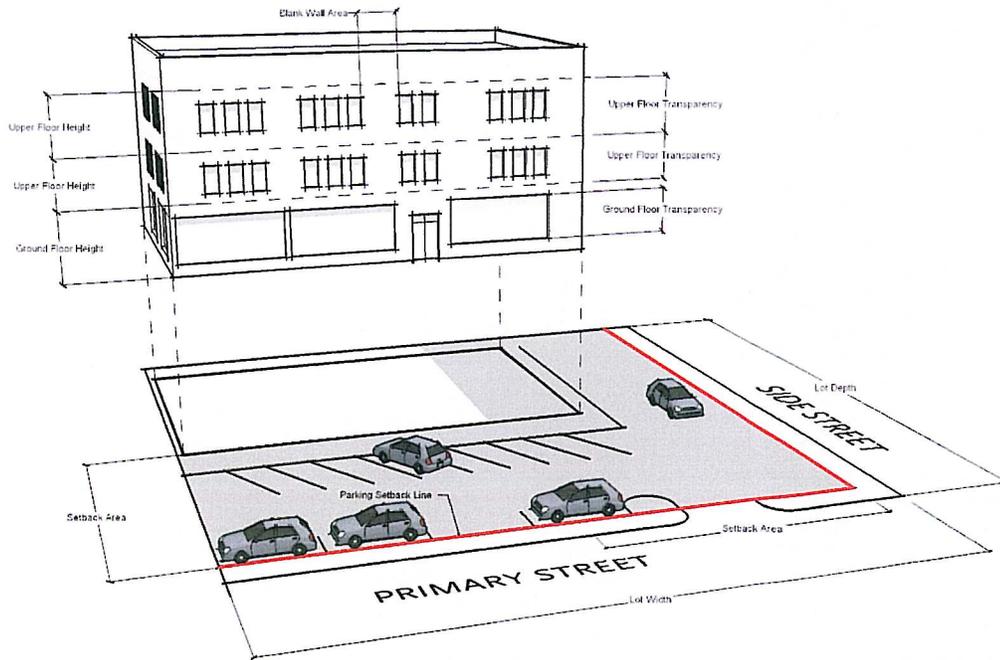
FLOOR HEIGHT

1. Nonresidential Use: Ground floors shall have a floor to floor height of at least 14 ft.
2. Residential Use: Ground floors shall have a floor to floor height of at least 11 ft.
3. Each upper floor shall have a floor to floor height of at least 10 ft.

MULTIPLE STORIES

Multiple stories are encouraged, but not required

1.6.8 TRANSITIONAL – See Section 1.8.3 for streetscape requirements/ See Section 1.9.3C for parking landscaping requirements



PLACEMENT

ELEMENTS

HEIGHT

SETBACK AREA

2ft min. (7 ft. if ground floor use is a restaurant with outdoor seating) to 65 ft. behind ROW line.

REQUIRED BUILDING FRONTAGE

1. Primary street (sites 100 ft. or more in width). The building façade must be located within the setback area for a minimum of 60% of the site width.
2. Primary street (sites less than 100 ft. in width). The building façade must be located within the setback area for a minimum of 60% of the site width.
3. Side street. The building façade must be located within the setback area for a minimum of 30% of the site depth.
4. A frontage wall may be included in the calculation of required building frontage with the approval of an administrative deviation.

SIDE/REAR SETBACKS

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

PARKING SETBACK (Structure or Lot)

1. Primary/side street setback. Min 0 ft behind ROW line.
2. Abutting single-family Min 10 ft.
3. Parking shall be located behind the parking setback line. One row of parallel parking, a one-way drive aisle and angled parking may be located between the building and the street.

TRANSPARENCY (WINDOWS & DOORS)

1. Ground floor. Primary Street, Nonresidential: 50% min, Residential: 20% min. Side Street, Nonresidential: 30% min, Residential: 20% min. Ground floor transparency is measured between 2 and 10 ft. above the adjacent sidewalk. Ground floor residential, office and industrial uses may provide translucent widows to meet all transparency requirements.
2. Upper floor. Min 20% (floor to floor).
3. Retail sales and service uses. A minimum of 50 60% of the window pane surface area shall allow views into the ground floor for a depth of at least 8 45 ft. Windows shall not be made opaque by window treatments (excepting operable sunscreen devices within the conditioned space).

BUILDING ENTRANCE

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

BUILDING FACADE

Blank lengths of wall exceeding 35 linear feet are prohibited on all primary and side street building façades. Façades greater than 100 feet in length along primary and side streets, as measured horizontally, shall be articulated to provide visual interest and a human scale by incorporating any combination of the following features: columns, pilasters, balconies, piers, variation of material building and setback variations of at least 3 feet. No uninterrupted length of any façade shall exceed 100 horizontal feet.

GROUND FLOOR ELEVATION

For ground floor residential uses, the ground floor finished elevation shall be a minimum of 18 inches above the adjacent sidewalk. There is no minimum for ground floor nonresidential uses.

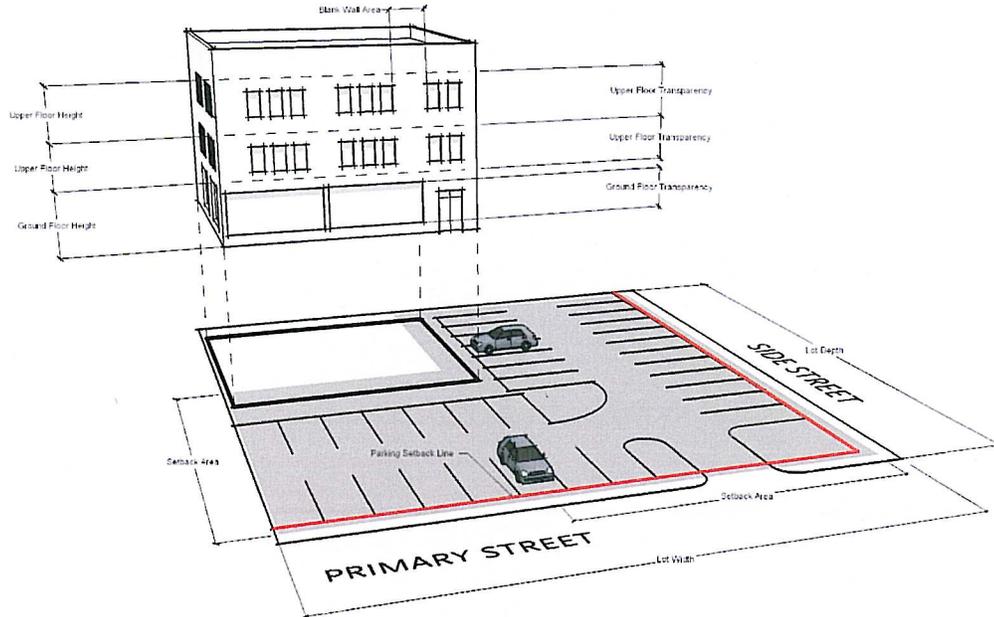
FLOOR HEIGHT

1. Nonresidential Use: Ground floors shall have a floor to floor height of at least 14 ft.
2. Residential Use: Ground floors shall have a floor to floor height of at least 11 ft.
3. Each upper floor shall have a floor to floor height of at least 9 ft.

MULTIPLE STORIES

Multiple stories are encouraged, but not required

1.6.9 COMMERCIAL – See Section 1.8.3 for streetscape requirements/ See Section 1.9.3C for parking landscaping requirements



PLACEMENT

ELEMENTS

HEIGHT

SETBACK AREA

2ft min. (7 ft. if ground floor use is a restaurant with outdoor seating) to 86 ft. behind ROW line.

REQUIRED BUILDING FRONTAGE

1. Primary street (sites 100 ft. or more in width). The building façade must be located within the setback area for a minimum of 50% of the site width.
2. Primary street (sites less than 100 ft. in width). The building façade must be located within the setback area for a minimum of 50% of the site width.
3. Side street. The building façade must be located within the setback area for a minimum of 25% of the side depth.
4. A frontage wall may be included in the calculation of required building frontage with the approval of an administrative deviation.

SIDE/REAR SETBACKS

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

PARKING SETBACK (Structure or Lot)

1. Primary/side street setback.
Parallel Parking: Min 0 ft behind ROW line,
Not Parallel Parking: Min 8 ft. behind ROW line.
2. Abutting single-family Min 10 ft.
3. Parking shall be located behind the parking setback line. A single drive aisle serving head-in parking spaces on one or both sides may be located between the building and the street.

TRANSPARENCY (WINDOWS & DOORS)

1. Ground floor. Primary Street, Nonresidential Use: 50% min, Residential Use: 20% min. Side Street, Nonresidential: 30% min, Residential: 20%. Ground floor transparency is measured between 2 and 10 ft. above the adjacent sidewalk. Ground floor residential, office and industrial uses may provide translucent windows to meet all transparency requirements.
2. Upper floor. Min 20% (floor to floor).
3. Retail sales and service uses. A minimum of 50 60% of the window pane surface area shall allow views into the ground floor for a depth of at least 8 15 ft. Windows shall not be made opaque by window treatments (excepting operable sunscreen devices within the conditioned space).

BUILDING ENTRANCE

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3. For nonresidential uses, a minimum of 50% of the required entrance shall be transparent.
4. Recessed entrances shall not exceed 3 ft. in depth and one floor in height.

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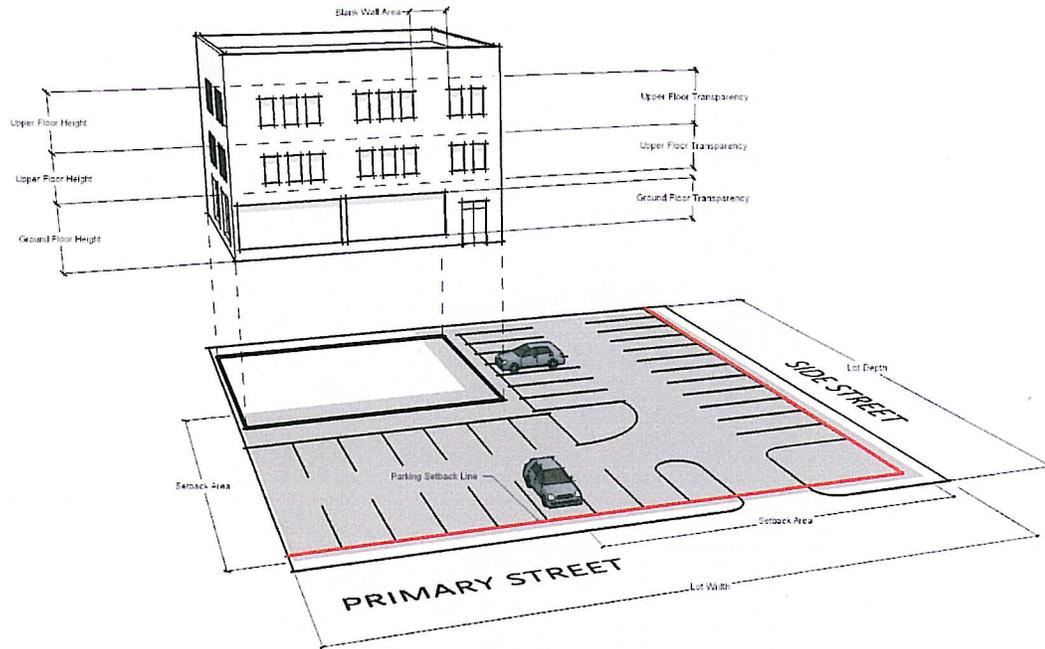
FLOOR HEIGHT

1. Nonresidential Use: Ground floors shall have a floor to floor height of at least 14ft.
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3. Each upper floor shall have a floor to floor height of at least 9 ft.

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1.6.10 GENERAL – See Section 1.8.3 for streetscape requirements/ See Section 1.9.3C for parking landscaping requirements



PLACEMENT

ELEMENTS

HEIGHT

SETBACK AREA

2ft min. (7 ft. if ground floor use is a restaurant with outdoor seating) to 90 ft. behind ROW line.

REQUIRED BUILDING FRONTAGE

1. Primary street (sites 100 ft. or more in width). The building façade must be located within the setback area for a minimum of 40% of the site width.
2. Primary street (sites less than 100 ft. in width). The building façade must be located within the setback area for a minimum of 40% of the site width.
3. Side street. The building façade must be located within the setback area for a minimum of 20% of the side depth.
4. A frontage wall may be included in the calculation of required building frontage with the approval of an administrative deviation.

SIDE/REAR SETBACKS

Abutting single-family: 10 ft min.
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PARKING SETBACK (Structure or Lot)

1. Primary/side street setback.
 Parallel Parking: Min 0 ft behind ROW line,
 Not Parallel Parking: Min 8 ft. behind ROW line.
2. Abutting single-family Min 10 ft.

TRANSPARENCY (WINDOWS & DOORS)

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2. Upper floor. Min 20% (floor to floor).
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