

City of Memphis and Shelby County

Unified Development Code

Summary of Stakeholder Interviews

October 4th - 7th 2004

Duncan Associates

Dyett & Bhatia ▪ Ferrell Madden Associates ▪ Lane Kendig, Inc.

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Summary of Stakeholder Interviews

The City of Memphis and Shelby County are in the process of preparing a unified development code consolidating the existing zoning and subdivision regulations, along with other development-related regulations found elsewhere in the City or County code of ordinances. The project is anticipated to take about two years before final adoption of the revised code, although drafts will be circulated to the general public starting late summer of 2005.

Duncan Associates is the lead consultant assisting with the unification process; other team members include Dyett & Bhatia, Lane Kendig, inc. and Ferrell Madden Associates. The Duncan Associates team was in Memphis between October 4th and 7th for a very successful series of stakeholder interviews. A cross-section of those who handle the existing regulations (City and County staff) and those affected by any changes (attorneys, land owners, developers, builders, engineers, architects, planners, etc.) provided their initial concerns regarding the existing regulations. Representatives of the six cities outside the jurisdiction of Memphis and Shelby County were also consulted. The team toured the city and county to get an idea about current development activity, and the affect of existing regulations. Listed below is a summary of meetings attended by the consultant team.

Monday October 4, 2004

9:00 AM – 11:00 AM	Planning Consultants, Engineers, Architects
11:00 AM – 12:30 PM	County Fire
11:00 AM – 12:30 PM	Land Use Controls, Comprehensive Planning
2:00 PM – 3:30 PM	Downtown/Inner-City Developers, CCC, RDC
2:00 PM – 3:30 PM	Land Use Attorneys

Tuesday October 5, 2004

8:30 AM – 10:00 AM	Suburban Communities (Mayors, Planners, Engineers)
10:30 AM – 12:00 PM	Environmental Groups and CDCs (Neighborhoods)
Field Work	
6:30 PM – 7:30 PM	Mayor Wharton Town Hall Meeting

Wednesday October 6, 2004

8:30 AM – 10:30 AM	Industrial, Commercial and Apartment Developers
11:00 AM – 12:30 PM	Code Enforcement, Housing & Community Development, Regional Services, Shelby County Housing, Economic Development, Assessor
2:00 PM – 3:30 PM	City and County Engineers, City and County Public Works, MLGW
3:00 PM – 4:30 PM	Land Use Control Board, Landmarks Commission, Board of Adjustment

Thursday October 7, 2004

8:30 AM – 10:00 AM	Developers Council
Field Work	

The following comments are based on the perception of interviewees and the consultant team makes no claim as to their accuracy or validity. However, even incorrect perceptions often indicate issues that could be of concern in the community.

Process

In General

- City/County staff face an uphill battle, developers are accustomed to the current system, they expect approval of high densities, such as 6-10 DU/acre, will hit them in the pocket book if more standards and lower density limits are imposed (“but we are not in the business of guaranteeing a minimum profit”).
- Regulations are starting point, and then the City is negotiating down from that point, partly because of involvement of City officials in the process.
- Neighbors don’t trust the political process (neither do developers).
- Constant exceptions made for business and development community.
- The market supports what developers are proposing.
- Development community is not complaining, not doing this rewrite to help them, can always go through the planned development process, worried about increased standards, shouldn’t require any sort of trade off to expedite review.
- “Bad guys” have lots of clout.
- The “good guys” (among developers) are not a force for change.
- Homebuilders push the envelope; commercial, industrial and office developers do a better job following the rules.
- Lots of broken trust with political leadership.
- The discussion/political dynamic is not about the project.
- Shouldn’t have to “beg” government to keep up its end of the deal.
- “Land Grab” is causing the County to go bankrupt providing services.
- “For Profit” developers in the City are not too creative.
- Holmes Road project; government has done a poor job of meeting their obligations.

Planning

- 1980 was last time a Comprehensive Plan was prepared.
- Last comprehensive plan was a “policy plan.”
- Plan covers land use only not public facilities.
- Germantown Parkway Corridor Plan was controversial (mostly rural cross-section).
- Poplar Corridor Plan was less controversial (mostly built-up at time of plan).
- Germantown Plan gutted by legislative decisions on curb cuts.
- Revised access policy; variations watered the plan down.
- Germantown plan for too large an area.
- 385 Corridor is a possible area plan (Bio Tech zone), also Houston Levee.
- Areas plans under way for Medical District and 385 Corridor.
- Plans developed too late, based on pressure for development, not thinking far enough ahead.
- The Council currently “accepts” plans, does not adopt them.
- Level of detail in plans is not “lot by lot.”
- Grays Creek area is an example of a plan being picked to pieces once adopted.
- Revisit plans every five years to keep them in good shape.
- Require a super-majority to amend plans to reduce changes.
- Mary’s Creek interceptor came as a surprise.
- Too quick to change plans once adopted.
- Sprawl is way out of control and increasing.
- Growth has effected roadways. Lack of green space, bike lanes, and pedestrian-oriented development. No options for mass transit.
- Limit sprawl of retail and “big box” development.
- No vision; no value placed on green space.
- Need small area plans, then straight zoning districts.

- Houston Levee and Macon Road a missed opportunity for a lot-by-lot plan within ½-mile radius.
- Right now planning on an ad-hoc basis by using planned developments.
- Plans will create less conflict down the road.
- Look at aerials; will be appalled by County development patterns.
- Planning viewpoint is narrow (lot or site); need broader view.
- Badly in need of a community wide comprehensive master plan.
- CIP is approved “politically” and not on a fully rational planning basis. Projects added or moved up in priority to serve political ends.

Inter Governmental Coordination

- Need for better communication between planning, engineering, school board, fire and parks (no one talks to anybody).
- Need more vision as to what the City and County want.
- Lack of coordination between planners, school board, other public facilities (fire).
- School Board not involved in planning process.
- Public Works and Parks Department act independently; no consultation on plans.
- Engineers get grading and drainage plans, but not planners.
- Subdivision Technical Review, review and comment on straight subdivisions only, need to expand to allow more coordinated review.
- Engineering believes development community should encourage cooperation between engineering and planning.
- MLGW coordinates with planning and engineering departments.
- Lack of coordination between engineering (subdivision) and planning (zoning).
- A need for County/City coordination; City/County Engineers often don’t recognize each other’s boundaries, responsibilities (i.e. City = sewers, County = drainage).
- Need a consolidated City/County government.

Community Involvement

- No requirement for developers to talk with neighbors before project approval.
- Decide who “the neighbors” are in reviewing projects; immediate neighbors can be OK with some things, other citizens get an idea killed.
- Need better neighborhood mediation for development issues.
- Citizens groups not allowed to provide adequate input.
- Need to bring people together; rural interests and urban interests.

Development Review

- In General

- Pre-application process not working properly; don’t get much information; not a “one-stop.”
- Increase the level of certainty in the process.
- Multiple “bites at the apple” during engineering review (list keeps growing for subsequent submissions).
- Make the right type of development easy to approve, make the wrong type development hard to approve.
- Comprehensive Planning and MPO staff review all planning cases.
- About a quarter of Comprehensive Planning staff time is spent reviewing cases.
- Need to discuss design review versus standards to resolve issues.
- Planning staff don’t get grading and drainage plans during development review; review is “2-D” only.
- Problems with review, need an opportunity for instant comments, consider a one stop shop for fire, water and building permitting.
- Have been told by other developers, Memphis/Shelby County has the best one stop shops in the region.
- Process and length of time concerns. Everything goes through the legislative body; often held up at City Council.

- Would like to get submittals in digital form in an agreed upon format. Applicants concerned about digital submittals getting altered without their knowledge.
- Make sure about uniform application of the regulations.
- No problems with regulations as long as the rules are the same for everybody.
- No follow-up on neighborhood agreements with developers.
- Landmarks Commission appeals process has become political. Appeals process goes to Legislative Body, which frequently overturns. Commission should be final authority, with appeals going to Court.
- No site plan approval is required for straight zoning.
- Too much emphasis on “what the local government can extract from you.”

- Land Use Control Board

- The Land Use Control Board is unique to Memphis/Shelby County. Most communities have Planning Commissions.
- Board is understaffed and sees same things over and over again.
- Legislative bodies don’t always listen to their recommendations.
- Legislative bodies ignore the Land Use Control Board when they want to.
- Applicants coming before the Board without hiring an attorney or engineer.
- Spend too much time educating applicants; many applicants are clueless.
- Applicants submit application without contacting neighbors that often leads to 30-day delay. Require applicant to meet with neighbors as part of approval.
- Neighbors (as speakers) say the same thing multiple times.
- Sign posting is helping.

Streamlining

- Improve the process, reduce time, speed up the process especially plan districts.
- More administrative approvals are wanted.
- Comfortable with staff having more flexibility to make administrative approvals.
- Special area south of FedEx Forum allows for posting a sign, then administrative review process based on special district and plan; this process is also available in Uptown, but without the posted notice option.
- Process is too cumbersome (streamline the approval process).
- Streamline/review the whole process.
- Consider “one time” political involvement in approving plan, then staff administers final approval.
- Consider broader use of administrative variances; already outlined in the planned development process (bulk, setback, height, vegetation); code permits a 10% setback reduction in base districts.
- Consider minor modification, major modification differentiation.
- Regulations have a procedure for administrative site plan review, unclear what County can ask for in terms of dedications and improvements, especially with churches.
- Too much fighting at every level; good site plan review and standards are a better option.

Time

- Development process takes 6-9 months (assumes planned development).
- Planned development approval can take between 5 and 6 months.
- Minor subdivision is never a minor subdivision, always some reason to turn it into a major subdivision.
- Review process is fast; often does not provide adequate time for public comments.
- Review time takes a while, planners can’t consolidate comments quick enough.
- The process for an alley closure takes about four months.
- Takes too much time to do a minor plat (or replat).
- Takes 150 days for a building permit within a planned development (too long).
- Recent turnover in engineering and chief administrator’s office has created problems.
- Approvals take too long; expedite based on size of project.
- Concerned about time and communication, applicants coming to meeting with different plans than they are looking at.

Countywide

Public Safety

- Balance between public safety and economic development.
- County is concerned about increased flooding that will be apparent with the new maps (because of the upstream development and greater runoff since last FEMA mapping).
- No requirements in fire code for single-family.
- All commercial buildings above 5,000 sq. ft. must be sprinkled.
- Not too many fundamental differences between the County and City fire codes.
- Zero lot line houses right up against each other.
- Fire. 3 ½ feet minimum building separation
- Fire hydrant maintenance a problem, homeowners association supposed to do it in gated communities but often don't, fire department will do it but won't be held responsible for them.
- Water pressure is too low in some areas (Concord Building).
- No requirement for a new development to meet a certain water pressure, should be required to show they can provide a certain flow.

Economic Development

- Easier to develop in Desoto County; everything but office slipping over the line; more than just land development issues; lower land cost and taxes.
- "Social over-ride" is in effect (Desoto County is basically white).
- Desoto County means metro area is growing, as long as Memphis stays the regional center, that's OK.
- Need to create jobs and income for people; need employment centers
- Good examples of development: Saddle Creek, Ridgeway Center, Oak Court Mall and Humphrey Center.
- Caution not to throttle opportunities to create jobs.
- Existing development declining. Places like Smith & Nephew (medical implants) in danger of leaving.
- Some individuals seriously committed to development in the City, some are not.
- Underground Atlanta is an example of what can happen when overall mass and density of metro area occurs.
- There is a connection between robust growth on the fringes and redevelopment in the City.
- The community has a fragile economy.
- Many commercial areas have become sparse and bleak.

Infrastructure

- In General

- Marry engineering to good design.
- Infrastructure improvements are missed in the by-right approval process (undersized pipes, poor roads).
- County broke, no money for infrastructure improvements so they exact from developers on an *ad-hoc* basis.
- Eight years ago wanted to look at impact fees, have not had time to do this.
- Link infrastructure to suburban expenditures.
- City needs help with access improvements.
- Harbor Town provided its own street cross-section and utility placements.
- Developers are funding all public infrastructure through exactions.
- If substandard signals and substandard radius (20 ft vs. 30 ft) exists, the first new development must pay all costs. City Council may allow the Department to be the contractor for the improvements and apportion the cost among all new development.
- Have signal warrants (for traffic controls), consider "empty lot" warrants (a form of threshold review for development intensity).
- Suburban areas have no place to walk.

- Drainage

- New stormwater development standards in process.
- New Drainage Master Plan in the works (basin by basin), complete in about a year.
- Drainage can't always be improved in rural areas so there also should be density limits there.
- Make sure whatever comes out of stormwater basin planning process is in the rules and regulations on detention, how detention is allocated and spacing requirements.
- City and County getting involved in detention; code needs to explain maintenance responsibilities.
- Grays Creek Plan shows sewer extensions.
- Coming out a wet period with increasing Public Works budget for drainage concerns
- Many problems created by developers.
- A drainage utility fee may be needed.
- Many ditches have easements, therefore perceived that City is obligated to take care of these ditches.
- Seeing more and more unimproved ditches that have to be maintained by the City; costly and labor intensive.
- TN Department of Environmental Conservation has conflicting goals, nightmare for urban drainage.
- Concern about major soil erosion, so natural ditches don't make sense from the City's perspective (an engineering perspective).
- Grays Creek; concerns about infrastructure, which is based on a certain density, already seeing these densities going up.

- Utilities

- Have seen changes in setbacks, less yard, more house; these standards generally are not sensitive to utility needs as they extend into easement areas.
- Concerned about safety, want utilities closer to the back of the ROW, this location offers greater safety.
- Need to balance needs of developers with needs of utilities.
- Difficult to fit everything into a five foot space; these days more and more utilities have to be accommodated.
- Rear power lines and tree trimming costs; one of highest cost items; now putting in more underground; fighting for major feeders and overheads on streets.
- Need to pre-negotiate which roads are for utilities.
- Easements for dry sewer; eastern part of County.
- Have been successful in getting dry sewers.
- Aquifer problems in eastern County.
- Codify dry sewer requirements.

- Streets

- Important to get the streets right.
- Need emphasis on streets (other elements not as critical).
- If you get the street right everything else will fall into place.
- Need a more coordinated approach to street construction. Developers only widen portions abutting their development (4-lane goes down to 2-lane, then back up to 4-lane).
- Increase collector road frequency (no true collector network).
- Haven't done collector plan in years but still have arterial plan in place.
- Engineers focused only on traffic flow, wider streets and larger turning radius.
- Arterials required every mile, collectors required every 1/2 mile (not being enforced).
- Need traffic calming options.
- Road building is simply responding to the problem (not proactive).
- Poor planning for alternatives to rural roadway sections.
- Problems with cul-de-sacs, any road 80 foot radius or less must be a designated fire lane, change the code to say 90 foot or less in radius.
- Private roads have maintenance problems, not being kept up properly by the home owner association.
- County Fire has no problem with alleys as long as they can get a fire truck up the alley.

- Designated residential corridors (protecting rural roadways) should be adopted.
- Seven-lane major roadway will only attract commercial (need to rethink this).
- Many roads have poor geometrics and beautiful trees; map these corridors (one suggestion was to consider creating a classification for “green” rural roads with special standards or limits).
- Differentiate between neighborhood and collector streets.
- Roadway construction should involve some input to land development and drainage issues.
- Roads are too wide; City and County staff are open to discussion about this.
- Minor local street (30 ft pavement) 31 ft ROW; means sidewalk and planting strip are in an easement.
- Concern about standards for collectors vs. standards for major and minor roads, and the “density” or spacing of the collector
- Would like to see a collector road plan.
- Problems with road widths.
- Lots of allegedly illegal roadway exactions occur during development approval.

Zoning

- In General

- The wrong uses are often required to go through special use approval.
- Exclusionary zoning, not permitting residential in commercial districts.
- Zoning and policy disconnect between cities and the County.
- There are national/federal standards for noise, local standards are meaningless (Airport).
- Include statement that noise cannot be considered during rezoning near the airport.

- Districts

- Existing districts don’t produce neighborhoods (want more density, mixed use).
- Fix the permitted uses in Light Industrial District.
- Need a business office park district.
- Need a distribution center district.
- In CH zoning, applicants are using exempt lots for signs.
- Virtually impossible to get straight industrial zoning.
- Reduced discretion can be achieved by moving certain standards to base districts.
- Residents prefer the straight zoning process, degree of certainty.
- Need better districts.
- Update/modernize use chart.
- Discussion of Fair Housing led to urban residential district.
- Reduce emphasis on uses, concentrate more on form and performance.
- Need more corner stores.
- Need to an overlay district tied to street classification.
- General Office does not serve as a good transition between uses.

- Uses

- Need to zone for mixed use.
- Seeing a real change to more mixed uses, citizens starting to look for better access, convenient locations.
- Need to address modern land uses.
- Code doesn’t allow mixed use (example: C.O. for a “resting quarters” at a truck terminal. Annual re-inspection resulted in a violation).
- Consider cap requirement, change of use for developments over certain size to control “too much of any one use.”
- Development types have changed over time (flex space).
- Create walkable neighborhoods with residential and retail.
- Upper-story residential (live above) not permitted.
- Upper story residential, live/work no problem as long as they meet all fire codes.
- Need to allow both vertical and horizontal mixed use.

- Need to regulate borrow pits, dirt sales, excavation (currently gravel mining only).
- Issues with day cares and home occupations.
- Problems with hourly rate motels.
- Need better regulations for group homes (“group home row”).
- Highpoint Terrace = good mix of uses.
- Single-family houses split up for use as boardinghouses (renting rooms).
- Home occupations; need to address this issue, a lot of complaints about deliveries, signs; also have building code issues (commercial occupancy).
- Group homes are an issue. State and current regulations contradict each other in places.
- Accessory units not permitted in residential districts. Concerns about rental issues. Zoning allows one kitchen only (no kitchens in accessory units), problems enforcing this.
- Cordova Town Center has accessory units.
- Rental of accessory units property can become a problem (see Arlington rules).
- Problems with exempt uses such as churches. No site plan review required. Limit size of nonresidential buildings in residential districts.
- Manufactured and modular home issues. City currently has a moratorium. County permits them. (Patriot from Alabama has some good examples).
- Ordinance, segregates uses, have more mixed use and more design standards, particularly buffering, even if on a by-right site.
- Use variances (not used much), several years ago approval authority moved from the BOA to the Legislative Body.

Development Standards

- Exempt uses get inadequate review for transportation.
- Need standards to address new mega warehouses.
- Make mixed use development and great streets the norm not extraordinary.
- Airport height requirements do not match FAA standards.
- Need to revise airport overlay map.
- Five stories maximum building height in the County (have 75 foot ladder truck).
- Need parking breaks for vertical integration of uses.
- Doing right landscaping, helps sell our product (the development).
- Parking chart is good.
- Update/modernize dimensional standards chart.
- Need to allow “alternative landscaping.”
- Limit parking lots in neighborhoods (at churches, for example).
- Limit strip centers to one sign per wall; be specific in sign standards.
- IDI development along Holmes or Hickory Hill, Belz development at Crumpler, Oak Court Mall, International Place, Lenox Square, Yates at Mason (good examples of development with nice berms, trees and setbacks).
- Macon and Houston Levee (bad examples of development).
- Problems with reverse frontage (RV-1 Hickory Hill).

Planned Developments

- Planned developments are the norm. Need more certainty brought into the process. Move standards to base districts.
- Planned development amendment process is lengthy (if a use is already permitted why do you have to go back for an amendment to move a use within the development).
- Any change to approved planned development site plan requires approval by legislative body, shouldn't have to if nothing changes close to the perimeter of the development.
- Trend to be more and more specific with planned development requirements.
- Treat a planned development as a “container” for uses – evaluate traffic, etc., then allow mix and match inside development. See Century City PD agreement (1970's).

- Too many planned development approvals.
- Require more certainty in the process.
- Legislative bodies may not be ready for a “hands off” approach to development.
- By-right approvals don’t trigger [costly] infrastructure improvements.
- Street and drainage improvements have no trigger (not required).
- Written comments provided on planned developments are not made at the table like subdivision review.
- Difficult to police (enforce) and comprehend planned developments; rules vary from site to site.
- Too many planned developments.
- Set a minimum area for planned developments.
- Allow single use planned developments.
- Planned development amendment process is very open, need to make it more difficult to approve amendments.
- Multiple planned development amendments are hard to keep up with.
- More detail now being required in planned development early on.
- Good examples, Ridgeway Office Park, Southwind, Evergreen PD and Midtown corridor.
- Protest petition provisions are the primary reason for the creation of planned developments.

Subdivision

- Flag lots are creating problems.
- Need to fix the “grandfathering” date for subdivisions.
- Four acre single-family lots are exempt from all regulations.
- Exempt lot provision being abused. Unclear now, intended for a farmer to allow for minor lot divisions (known as “last cash crop” sale to get money for family or heirs) – some have used it creatively to avoid responsibilities – codify, strengthen and get rid of loop-holes.
- Horizontal and vertical alignments are an issue in subdivision regulations.
- Easement issues, sore subject with homeowners because of encroachment issues.
- Alleys and back-loaded garages; set up a series of joint standards, may not meet 2-foot separation; came up with neo-traditional designs, also seeing reduced side yards and alleys.
- MLGW comes in late in the site planning process.
- MLGW involved with the street naming process, street and alley closures and new subdivisions.
- MLGW is fine with new subdivision design on big developments, not necessarily the case with infill sites.
- Engineering has the flexibility to deal with unique situations (wants to strengthen regulations, doesn’t want legislative bodies to change the rules).
- It is fair to make priority one roads pay for road improvements (sidewalks, curbs and gutters, maybe widening)?
- How useful is mandating sidewalks in industrial areas?
- Require good pedestrian design, particularly in commercial and institutional development, mandate connections between entryways and require co-location of bus stops.

Access

- Focus more on pedestrians (make pedestrian paths connect outside subdivisions).
- Controversy surrounding gated communities (a market desire versus connectivity).
- Gated communities prevalent
- Security issues could force “big players” (wealthy home-owners “people who make business decisions”) out of the city, need to keep this in mind. Smaller enclaves might solve the problem.
- Need more connectivity between subdivisions.
- Street stubs are an issue, neighbors won’t allow streets to be extended to lower cost housing. A perception that changing price range for new housing next door “degrades” existing development.
- Street stub extension policy very strong language, but always varied.
- Building subdivisions not neighborhoods.
- Model houses located at the entrance of a subdivision creates traffic problem.

- Access problems created by landowners selling corners to a developer, then later user of back parcel does not have adequate access.
- Legal lot requires access (ingress/egress easement should not constitute access).
- Currently “frontage” does not require access (getting billboards on parcels along interstate with no access).
- Adequate access to fire hydrants must be provided.
- Fire truck access is very important (20-foot unobstructed street width with a minimum 14-foot paved area).
- Access to flag lots is an issue.
- Subdivisions require only one point of access for every 80 units (needs to be reduced).
- Improve access to Shelby Farms park for bikes and pedestrians.
- City has an alley system, but some of them are not open.
- Need a private driveway ordinance.
- No local connections to arterials.
- Collector streets create enclave communities, short stubs, dead-end streets, no connectivity.
- Block length standards discussed, but nothing happened (e.g. maximum limits for residential and non-residential, with mid-block pedestrian connections for long residential blocks), rescinded if adopted, not a development scenario that was popular, like to promote now, multiple access points.
- Need multi-modal options.
- Consider credits for availability of alternate forms of transportation.

Corridors

- Need to enhance corridors and gateways.
- Germantown Parkway has too many curb cuts.
- Failed corridors (Covington Pike is older auto row – originally bad, and may never come back).
- Rural road corridors; establish standards (22 ft ROW) and don't allow residential subdivisions of 2-4 dwelling units per acre.
- Regulations are only suggestions; the Germantown Parkway would not have occurred if standards had been met; code requires interconnections and access only at intersections, but too many variances were given.
- Major corridors need improvements. Getwell, Park Ave and Perkins-Poplar are good examples.
- Winchester corridor is sprawling, yet heavily landscaped with nice signage.
- Need access management on Germantown Parkway.
- Have an overlay that sets a lower density limit in a Rural Roadway corridor.

Natural Resources

- General

- Limits on “skinning” or mass grading.
- Need to eliminate environmental issues in Cypress Creek area.
- Environmental goals at odds with developers.

- Trees

- Protect more trees, leave more trees, need a better tree ordinance.
- Tree ordinance is an embarrassment.; strengthen.

- Flooding

- Floodplain boundaries adjusted to conform with FEMA by letter.
- Need better floodplain regulations; too much filling, no compensation for lost volume.
- Filing in the floodplain, developing almost to the bank, “dirt mining” to fill wetlands will create flooding downstream.

- Water Quality

- Need to protect aquifer recharge areas.
- Water quality, noise, recharge areas, solid waste, health issues.
- Need to protect drinking water as the County's true resource.
- Would like healthy viable streams, wetlands.
- Integrate subdivision and water quality issues.
- Encourage water quality in code.
- Reduce piping of streams.
- Need a groundwater recharge ordinance to protect Memphis Sands Aquifer
- Wolf River Conservation Group – came together to save the Wolf River
- Create buffers along rivers and streams. Places doing a good job, Boise, Chattanooga and Knoxville, San Antonio.
- Recharge areas important (Memphis Sands Aquifer).
- Need “smart design” to address watershed issue (see Austin).
- Thousands of junk cars an issue for water quality in the lake.

- Parks & Open Space

- Need better recreation areas.
- Open space preservation.
- Greater Memphis Greenline (13.2 mile abandoned railway).
- Need more parks, greenways and open space.
- Set aside some green spaces for forests in the City.
- Lack of green space.
- Green space and setbacks help sell light industrial product.
- Landscaping often not maintained.
- No neighborhood parks, maintenance problem.
- Threshold for a [small] park should be about 65 households.
- Interest in a park dedication requirement. (See Collierville requirements for park land dedication)

Enforcement

- Lack of code enforcement.
- Residents should not have to constantly be on the phone with code enforcement.
- Need to do a better job at keeping up properties.
- Cooper Young neighborhood has a code enforcement problem. Residents created their own process and format for code enforcement that worked for a while.
- Problems with abandoned properties not being kept up.
- A lot of out-of-town owners, hard to get in touch with.
- Consider using public workers to note code enforcement problems.
- Often inspection problems are due to miscommunication between designer, contractor and owner.
- Code enforcement uses four different sets of standards.
- Lack of maintenance for large lots.
- Problems with neglected buildings, no penalties. No “Demolition by Neglect” for residential units. Have something like that for commercial buildings. An eyesore doesn't constitute demolition. Has to be structurally unsafe.
- Use eminent domain to clear up run down lots.

Inside the Loop

In General

- Need incentives/disincentives/regulations to encourage inner city development.
- Need real incentives/disincentives, impact fees.
- Low property values hinder infill/redevelopment opportunities.
- HARP could build replacement houses if lots were buildable.
- Lot consolidation may be possible for developers, but not for the City.
- Harbor Town was hard to get built: street widths; setbacks; front-loaded garages.
- Business association would like more involvement on the front end, working with Mayor's advisory committee.
- Half of the worst properties owned by the City.
- Old areas of the City are suffering, good housing stock, problems with vacant houses.
- Midtown may be next hot area.
- Only thing being built in areas other than downtown/mid-town is affordable housing in tax credit projects.
- Not enough money to create the equivalent of the Uptown project across the entire City.
- Illegal lots are a problem; many properties have no recorded plats.
- It's costly (approximately \$10,000) to take a property through the subdivision process to create a legal lot.
- Inner city development would bring in more and help preserve what is left.
- Make the code easier to keep folks in their neighborhoods.
- Have lots of 15-foot wide lots with "shotguns" on them that don't even fit the definition of "lot" (which requires 16 feet in width).

- Infrastructure

- Need adequate public facilities for infill.
- Infill development often does not provide adequate public improvements.
- Required to make off-site infrastructure improvements when not economically feasible.
- Need to address sidewalks, urban design, streetscapes, better street lighting, landscaping and outdoor seating.
- Provide cross-access connections.
- Infrastructure not always there and sewer systems are being strained. With greater density, flows will increase and collection system is already undersized.
- Inadequate drainage in older areas of the town, capacity isn't there in some places, buildings are flooding.
- Costs approximately \$20,000 per lot to develop infrastructure in the City; even if land were free. This makes it very difficult to compete with outlying areas.
- Uptown TIF; lots of public dollars to help defray infrastructure costs.
- Setting up separate taxing districts can be a problem.
- TIF changes control over funds (taxes go to separate body), this is seen as problematic.
- Needs to be an "infrastructure benefit" to develop in older areas of the City.

Infill and Redevelopment

- Land assembly problems.
- Need to address substandard lots; too hard to develop.
- Revitalization of Memphis, follow Nashville neighborhood planning model?
- Encourage industrial reinvestment.
- Chicago is an example of city successfully encouraging reinvestment in old industrial areas.
- Sears building, 1,000,000 sf of space, redevelopment opportunity. Asbestos problems.
- Depot and North Memphis, South Memphis – no tenants, structurally obsolete space, utility locations are a mess, 40 to 50 percent vacant.
- Need to generate some market for (re)development.

- Need to be able to develop vacant land within the City.
- Use eminent domain to get control of and clear title to lots.
- Need incentives to use inner city land.
- Remodeling existing buildings is costly.
- Need HUD rehabilitation code.
- City has a minimum housing code, County doesn't.
- Need to make it easier to remodel existing buildings, guidelines are skewed (building code issue).
- Engineering has no problem with regulations that distinguish urban vs. rural conditions.
- Thousands of lots are unbuildable.
- Lots of lousy multi-family product from the 60's that could be redeveloped.
- Housing & Community Development is an important player in the City.
- Projects from Housing & Community Development often don't match neighborhood plans.
- Housing & Community Development is the biggest redeveloper in the City, even HOPE VI projects.
- Need to focus more on lower income neighborhood revitalization (working class).

Neighborhood Conservation

- Infill projects take longer to go through the process due mainly to neighborhood opposition (less lots, more hassle).
- Design guidelines would improve the look of the City; there is a need for some level of design criteria.
- Need compatibility standards.
- Need some flexibility in housing rehabilitation regulations (building code).
- HARP rehabilitation programs good.
- Central Gardens, the Old public library, a residential infill development. Mixed opinions on the Commission on the quality of the development (approved renderings didn't represent construction).
- Old Baptist Rehabilitation Center on Lamar, example of old vacant blighted building.
- Neighbors in favor of cottage homes on smaller lots.
- Need a Neighborhood Conservation District to preserve against "McMansions."
- Too much volume being built in some neighborhoods (one-story versus two-story).
- Whitehaven, industrial encroaching on residential.
- Frazier, old disinvested suburban neighborhood suffering from a lack of density.
- Peabody Vance neighborhood is 40 percent fallow (vacant).
- Need regulations to protect residential units from encroaching religious institutions. Too many churches on a single block face erodes residential nature.
- Inner city neighborhoods now devoid of basic commercial services.
- Ugly economic situation, money flowing out of neighborhoods.
- Madison Heights neighborhood, surrounding commercial areas zoned for high intensity commercial (Highway Commercial), would like to see more neighborhood commercial scale development and more medium density residential.
- Central Gardens, a well preserved neighborhood.
- Reduce speeding in neighborhoods through traffic calming.
- Neighborhoods don't want change, fear of change; "freeze the neighborhood as it stands today"
- Who should have the right to complain? Immediate neighbors?
- Lots of fear and mistrust in neighborhoods.
- Evergreen development is "seamless" with existing residential. Example of wonderfully preserved neighborhood. Design Review Board reviews architecture, very strict. Developers have been very willing to work with review board.
- Not just edge treatment that neighborhoods complain about. Concerned about nature of development going in to what was once undeveloped open space.
- Residential neighborhoods interspersed with industrial and highway commercial.

Zoning

- Upper story residential should be permitted by right.
- Uses is not the issue.
- Code won't work in inner city, lots too small.
- High value land sits empty; need more density to make it economical to develop.
- Use tax-foreclosed properties; many nonconforming lots that can't be developed; developers need variances.
- No opportunity for multi-family housing for elderly in single-family neighborhoods.
- Aviation easement negotiated through the courts; neighbors still complaining.
- Infill density may be too high.

Development Standards

- Engineering requirements are for suburban development.
- Drainage requirements too much.
- No parking break, should give credit for on-street parking.
- Consider options for shared parking.
- Need better regulations for infill; not just variances to cram houses into older neighborhoods.
- Variances for dimensions difficult; each lot should be buildable.
- Parking regulations are a challenge in the City.
- Need modern driveway requirements.
- Restrict parking in front yards.
- Need specific regulations for infill.
- Parking standards need to be relaxed, especially in centers with movie theaters; need to allow shared parking.
- Existing strip centers are sparse and bleak. Need better landscaping requirements.
- Would like to see regulations that allow infill in the inner city, would like see compatibility standards for infill.
- High density can be hidden behind a beautiful streetscape (Peachtree industrial in Atlanta).
- No credit for on-street parking.

Outside the Loop

In General

- Fringe development contains same housing types (and density/lot size) for miles and miles.
- Miles of houses without convenience retail.
- Need real impact fees to account for cost of suburban growth; full cost of a rural house.
- Affect of the new outer beltway around the community (will provide new interchanges along eastern County line).
- Smaller lot sizes (for residential) in the County increases the cost of services due to increased demand.
- Better urban/rural definitions – there are places where County is urbanizing – rural collectors should stay the way they are.,
- Countywide application; annexing some types of development with improvements; conditions that they would not have permitted
- Annexation reserve areas should have better standards.
- Cordova Town Center (attempt at Harbor Town in the suburbs) – didn’t work, housing more expensive than surrounding development, sold to another developer who built more conventional type housing, wrong location at the wrong time.
- Cordova Town Center, everything is on 6,000 SF lots.
- Cordova Town Center, good plan that was immediately rescinded after first changes were proposed.
- River Oaks neighborhood build in components of 30 to 40 acres (“grown, not master planned”).
- River Oaks neighborhood association spends \$170,000 per year on maintaining main boulevard.

Annexation Reserve Areas

- In General

- Annexation reserve areas create real problems due to joint City and County review in areas that will eventually be annexed by municipalities.
- Concerned about high density developments in annexation areas
- Roads not built to the suburban community standards (don’t want to take over roads built to different standards to theirs, concerned about traffic impacts).
- Suburban communities define urban sprawl differently. Don’t share the same view that high density is good. Growing in an orderly fashion with available infrastructure is not sprawl.
- 1101 legislation created annexation reserve areas.
- TACIR at state level may provide for changes in way annexation reserve is treated.
- Germantown has annexed all its’ reserve area. They concerned about high density development on their fringes, a need for better coordination.
- Constantly made to feel like the suburban communities are doing something wrong.
- Looking to build “neighborhoods” not just “subdivisions”.
- Three ways to deal with issue: 1) adopt City’s standards in annexations areas; 2) develop a common set of regulations for all annexation reserves areas; 3) develop a mixed set of regulations that move towards the adjacent suburban community standards. Need direction from legislative body or Land Use Control Board.

- Planning

- Need Comprehensive Plan for annexation reserve areas.
- Bartlett and Millington working on new Master Plans.
- Some communities are now actively annexing areas as they are developed.
- Major Road Plan very important; character of the roads is very significant.
- High Tech corridor – could have been quicker, if done separately would have been quicker, but for the benefit of the region Germantown and Collierville worked together.
- Collierville controls development as utility provider, has two treatment plants.

- Development Review

- Sometimes suburban community is ignored, sometimes community adhered to. Depends on developer. Some willing to work with the community when developing in annexation reserve area.
- Memphis/Shelby County are charter communities, others communities are non-charter (non-charter communities can only exercise powers expressly granted by legislature). Developers don't understand that distinction.
- In non-charter cities, planned districts have to have the same density as the underlying district.
- Would like to see everybody working together.
- Need better input and communication between all communities. They do meet on regular basis on a variety issues including some land use issues.
- Not sufficient notice for rezoning meetings in the Reserve Areas. Get notice too late and sometime not at all.
- Consider courtesy review by suburban community.
- Interested in how other places deal with inter-governmental coordination.
- Issues of by-right vs. discretionary review.
- Politics are a big hurdle, legislative bodies in the way.
- Annexation areas used for political fund raising by legislative bodies, not willing to give up control.
- Memphis shouldn't be included in approvals in annexation reserve areas.
- Cannot deny development on the basis of inadequate school capacity.

- Zoning

- Compare districts between suburban communities. Bartlett's smallest lot size is 10,000 sf (RS-10). Collierville smallest lot is 6,000 sf (R-3).
- Planned developments are the norm. Want to get better quality development.
- Move architectural, open space standards into base districts.

- Development Standards

- Match standards to surrounding suburban communities (example: no private roads permitted in Collierville or Bartlett).
- Competing standards, private drives, different road widths, building materials, different infrastructure standards, need for a higher level of compatibility. Drainage calculations based on 10 vs. 25 year storm.
- Don't want to impede Memphis. Don't impose their standards on us (suburban communities).
- ROW and drainage standards an issue.
- Would be fine with moving some standards to base districts (landscaping, architecture).
- Pedestrian connectivity missing in the County. Suburban communities deal effectively with pedestrian connections between developments.
- Minimum lot size does not affect property values (Bartlett has minimum floor area requirements).
- Bartlett requires 3400 sf with alley access, this may be better livability than traditional subdivisions.
- Not many developers are very innovative (copy cat development).
- Put in standards to get the quality.
- Access management concerns.
- Redevelopment of strip centers, need incentives.
- Getting park land within subdivisions, but not in County.
- Sewer service areas are big questions; RE-2 for septic service areas.
- Making some do "dry sewers" but not sure of technology.

- Streets

- Germantown Parkway has too many curb cuts, this stops at Bartlett because they won't allow it.
- Bartlett Master Plan has designated Rural Roadways.
- Title VI issues; don't have rural roadway designations in the County.
- Consider the role of service roads in commercial development.
- . All communities should fund their improvements in the same way. Collierville has adopted new road fee

Document Improvements

- Need to consider how the document will be codified; Appendix “A” now.
- New ordinance needs to be available on the web.
- Definitions section needs general improvement.