

Topic: Incentive Zoning
Resource Type: Regulations
State: Tennessee
Jurisdiction Type: Municipal
Municipality: City of Memphis
Year (adopted, written, etc.): Unknown
Community Type - applicable to: Urban; Suburban
Title: City of Memphis Amenity Incentives Ordinance
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Abstract

This ordinance provides for floor area bonuses in exchange for public pedestrian plazas/ arcades. To qualify for the floor area bonus, the plaza/ arcade must meet specific design criteria. A floor area bonus may also be awarded for the development of affordable housing. This ordinance is especially notable as development incentives are also established to encourage participation in the implementation of a comprehensive greenway network.

Resource

Section 15. Amenity incentives in the multiple-family and central business districts.

- A. *Purpose.* The increases in floor area or density provided for in this section are allowed in order to achieve a more efficient utilization of public facilities, limit urban sprawl, conserve open space and environmental amenities and resources and reduce traffic congestion by encouraging the provision of specified amenities in connection with specified developments.
- B. *Amenity incentive as a right.* An applicant for site plan review, or if no site plan review is required, an applicant for a building permit who provides an amenity in a specified development in a specified district in accordance with the provisions of this section shall be entitled to an amenity incentive thereof as provided for in this section.
- C. *Authority.* The building official shall have the authority to review site plans required by this article to determine whether an amenity to be provided or the location of a development complies with the provisions of this section, and if it does so comply, to compute the amount of an amenity incentive to which the applicant is entitled under the provisions of this section.
- D. *Procedure.*

1. To obtain approval for an amenity incentive, an applicant shall submit the following along with an application for administrative site plan approval as required by section 7 of this article, or if no site plan approval is required, shall submit the following along with an application for a building permit:

a. A written statement setting forth:

(1) A description of the amenity or the name of the major street upon which the development is located for which incentive is requested.

(2) Any and all information including, but not limited to, distances, dimensions, floor area, and number of dwelling units, which is necessary in order to determine whether an amenity qualifies for an amenity incentive and the amount of such amenity incentive.

(3) The type and amount of the amenity incentive for which the applicant is requesting approval along with the applicant's computation of such amount.

b. A site plan drawn to scale, incorporating the amenity incentive requested and showing the amenity to be provided or the location of the development in relationship to the street for which an amenity incentive is requested.

c. Any other information required by the building official in carrying out his respective responsibilities under the provisions of this section, which additional required information shall be set forth in rules published from time to time.

2. The building official in connection with his review of administrative site plans shall determine whether an amenity to be provided or the location of a development in relationship to the street for which an amenity incentive is requested complies with the provisions of this section, and if so, shall approve the increase in floor area or density provided for in this section for such amenity or such development. If the amenity to be provided or the location of a development in relationship to the street for which an amenity incentive is requested does not comply with the provisions of this section, the amenity incentive shall be disapproved.

3. Written notice setting forth the amenity or the location of a development in relationship to the street for which an amenity incentive is approved or disapproved and the reasons therefor, along with the amount of the amenity incentive to which the applicant is entitled if an amenity incentive is approved, shall be mailed to the applicant along with the notice of site plan approval or disapproval as provided in section 7G. of this article, or if no site plan is required, along with the building permit for the development within fourteen (14) days after the date the amenity incentive is approved or disapproved.

4. An applicant may appeal the decision of the building official with respect to the applicant's eligibility for an amenity incentive and the amount thereof to the board of adjustment in accordance with the provision for appeals set forth in section 13 of this article.

E. *Amenity incentives allowed.*

1. The provision of the following amenities in the R-TH, R-ML, R-MM and R-MH districts will qualify a multiple-family development for the following increases in authorized floor area and density for dwellings, provided that the total density increase does not exceed thirty (30) per cent of the maximum density permitted in the district where the property is located:

Amenity		Floor Area and Density Increase
a.	Additional livability space	1% per 1% increase in livability space up to a maximum increase of 10%
b.	Swimming pool	1% for each 500 square feet of pool surface area up to a maximum increase of 5%
c.	Standard size tennis, handball, volleyball, basketball, or deck tennis court, ice rink or similar recreational facility	1% increase for each court or rink provided up to a maximum increase of 5%
d.	Tot lot of at least 2,500 square feet	1% for each 1,000 square feet of tot lot up to a maximum increase of 5%
e.	Preservation of natural features of the site such as lakes and woods as common open spaces and the provision of permanent access to and use of such natural features and to amenities such as bike and pedestrian paths, and benches	1% for each 10,000 square feet of amenity preserved or provided, up to a maximum increase of 10%
f.	Clubhouse	1% for each 1,000 square feet of clubhouse up to a maximum increase of 5%

2. A five (5) per cent increase is permitted in the authorized floor area for multiple-family dwellings and a five (5) per cent increase in the authorized density for dwellings, other than multiple-family dwellings, located in any residential district if the development is located on a highway shown on the Memphis Urban Area Transportation Study as adopted by the metropolitan planning organization.

3. a. For the provisions of specified amenities, the following increases in authorized floor area shall be allowed for uses located in the CBD district subject to the provisions of subsection E.3.b. of this section; provided that the total floor area increase does not exceed forty-five (45) per cent of the floor area otherwise permitted in the CBD district:

TABLE INSET:

Amenity	Floor Area Increase
Arcade	8 square feet for each square foot of arcade up to a maximum 15% increase
Retail space	4 square feet for each square foot of retail space up to a maximum 15% increase
Landscaped rooftop	1 square foot for each square foot of landscaping on the rooftop
Restaurant or observation area	10,000 square feet
Plaza	10 square feet for each square foot of plaza up to a maximum 15% increase
Additional side yard	10 square feet of floor area for each additional square foot of side yard up to a maximum 15% increase
Widened sidewalks	7 square feet for each square foot of widened sidewalk up to a maximum 15% increase
Parking facility	150 square feet for each parking space up to a maximum 15% increase

b. The amenities set forth in subsection E.3.a. of this section shall only be eligible for an amenity incentive if they conform to the following definitions and the standards set forth therein:

(1) *Arcade*. An arcade shall be a passageway located within a building or between buildings which connects two (2) streets, plazas or widened sidewalks, which is accessible to the public during working hours and along which are located retail, other commercial or display areas.

- (2) *Retail space.* Retail space shall be an area or areas for retail sales in a building which is used primarily for other than retail sales such as an office building or a multiple-family dwelling.
- (3) *Landscaped rooftop.* A landscaped rooftop shall be a part of a rooftop which is open to the sky, which is accessible and usable by the public or occupants of the building on which the rooftop is located and which is landscaped with grass, trees, shrubs, bushes or other vegetation.
- (4) *Observation area.* An area located above the twentieth floor of a building which area is open to the public during day and evening hours and which is designed to offer unobstructed views of the surrounding areas and the sky, and is used for such viewing.
- (5) *Restaurant.* An establishment where food is available to the general public for at least the evening meal.
- (6) *Plaza.* A plaza shall be an open area in the front, side or rear of a building which area shall be at least twenty (20) feet deep and seventy-five (75) feet long, shall be landscaped and shall be open to the public during at least day or evening hours.
- (7) *Additional side yard.* An additional side yard shall be that portion of a side yard which exceeds the side yard requirements established by this article and which is not part of a plaza.
- (8) *Widened sidewalks.* A widened sidewalk shall be at least ten (10) feet in width to be eligible for a bonus. The portion of a sidewalk eligible for a bonus is that portion which exceeds the required width for sidewalks as such widths are established from time to time.
- (9) *Parking facilities.* An open or enclosed parking lot which provides parking for and is directly accessible to the building for which a bonus is sought.
- F. *Computation of amenity incentives.* The building official shall use the floor area and densities applicable in the district in which the use is located as the basis for computing the increases in floor area and densities an applicant is entitled to under the provisions of this section.