



Memphis and Shelby County Office of Planning and Development

CITY HALL
125 N. MAIN STREET, SUITE 468
MEMPHIS, TENNESSEE 38103

CONSTRUCTION CODE ENFORCEMENT
6465 MULLINS STATION ROAD
MEMPHIS, TN 38134

WHAT IS THE PURPOSE OF A ZONING VERIFICATION LETTER?

Zoning is a legal mechanism which regulates land use and the type of activities allowed within a given area.

Zoning is probably one of the most important tools available for maintaining the delicate balance between a community's livability and its economic well-being. Simply stated, zoning involves dividing the city into different **districts** or **zones**. Within each zone, certain types of activities or uses are allowed while others are prohibited. Generally speaking, only those uses that are considered compatible with each other are allowed within each zone. Uses that are allowed within each Zoning District are classified as either **Permitted Uses** or **Special Uses**. Permitted Uses, as the name implies, are those which are allowed outright subject to certain use standards. Some more intense uses, however, require a **Special Use Permit** approved by the Memphis City Council or Shelby County Board of Commissioners.

The adoption of map or text amendments to the Zoning Ordinance often results in properties becoming **nonconforming** (a use, structure or lot that was legally established prior to the amendment which fails to conform to the current / new requirements).

A municipal zoning letter is a legally recognized document which informs commercial / institutional and residential property owners, lenders and prospective property buyers of property, of zoning laws related to the particular site based on the City of Memphis and Shelby County's current zoning code (Unified Development Code) and may even include past history of the site. For commercial transactions spanning across multiple states or consisting of multiple sites, thorough zoning research is needed which can be very tedious, expensive and time consuming for the buyer or lender. Zoning laws come into play on every single commercial real estate transaction and prior to the transaction completion, zoning due diligence is required. A zoning verification letter may be one part of the overall zoning research and analysis.

WHAT DOES A ZONING LETTER CONTAIN?

1. A zoning verification letter will provide a general description of the zoning district, references to any applicable zoning and development use standards and possibly the zoning history related to the current zoning entitlements.
2. Zoning verification letters include a copy of the zone map.
3. A zoning letter can provide information on legal land uses, zoning, zoning district performance standards, development history, and compliance.
4. For simple basic requests, the zoning verification letter does not verify compliance with development regulations (parking or other site elements) or certify legal non-conforming status.
5. Zoning verification letters also may address the status of buildings or uses on the property and certify compliance or noncompliance of existing structures and other site elements. Submittal of an ALTA/ACSM survey providing information regarding bulk dimensions and other aspects of site development is required in order for Land Use Control staff to certify compliance with current or previous zoning codes. A determination of legal non-conforming use status requires a separate application be made.
6. A zoning verification letter will not contain information regarding structure conformance with the current or past building codes or a copy of the Certificate of Occupancy.

HOW DO I APPLY FOR A ZONING VERIFICATION LETTER?

1. Project Consideration

Submit your application to:

Land Use Control Section East Office 901.222.8387 o
Office of Construction Codes Enforcement 901.222.8389 f
6465 Mullins Station Road
Memphis, TN 38134.

Email: chloe.brewer@shelbycountyttn.gov

It is first reviewed to make sure your application is complete (please see section entitled 'Application Requirements'). As part of your Zoning Verification Letter Application, you may also be required to provide a site plan, an ALTA/ACSM (as-built) survey or residential floor plan for consideration.

2. Permit and Zoning Research

Upon receiving a complete application, which indicates a request for Zoning Code determination, the Land Use Control Section staff, depending on the specific requests checked on the application will research the permit history, code enforcement violations and the current zoning requirements for the subject property. An aerial photograph site inspection is also performed to ensure compliance with any approved site plan(s). Any apparent deficiencies or inconsistencies will be noted in the letter. Conditions of site plan approval as well as the zoning district will also be included in the content of the letter.

APPLICATION REQUIREMENTS

1. Completed application form.
2. **Description of request** including type of structure or use (i.e. single-family residence, multi-family residence, car lot, place of worship, commercial, office, restaurant, industrial, distribution, manufacturing, warehouse, etc.) Please submit a site plan, an ALTA/ACSM survey or residential floor plan as may be required by the application.
3. Lease space layout plan with assigned tenants and addresses, if applicable.
4. Signed application by the owner or authorized agent.
5. Payment of base and expedited fees with application.
6. Payment of balance due, prior to release of zoning letter.
7. Any changes or addendums to the letter will constitute a new request and will require a new fee to be paid.
8. If the area of the request constitutes part of a recorded lot or unrecorded parcel that cannot be clearly defined, the applicant must furnish a survey plat consistent with the most recent recorded deed description of the property with the request.

HOW LONG DOES THIS TAKE?

The length of time involved in processing a zoning verification letter varies according to the complexity of your project and the amount of research that must be conducted. Simple zoning letter requests may be processed in as little as six to ten (6-10) business days. Complex zoning letters that require research for applicable Board of Adjustment variances, Special Use Permits, Planned Developments or coordination with the Office of Construction Code Enforcement and/or the City or County Attorney's office may take somewhat longer.

Incomplete applications will not be accepted.

Common items leading to rejections are:

- a) The lack of a tax parcel (Ward, Block & Parcel) number assigned to the tract by the Shelby County Assessor (<http://www.assessor.shelby.tn.us/content.aspx>).
- b). Use of a private street address (apartment complexes) in lieu of the assigned public street address utilized by the Shelby County Assessor for the parcel.

FEES

Basic Zoning Letter (1 st Parcel)	\$50.00	*Must be paid with request submittal
Expedited Zoning Letter (issued within 5 working days)	\$50.00	*Must be paid with request submittal
Additional Adjacent Parcels (#2 & #3) on same side of street	\$25.00	Per each additional parcel
Additional questions researched above basic letter content	\$15.00	Per question Parcel #1, \$7.50-#2, #3 +
Copies of records (site plans, ordinances, resolutions, etc.)	\$ 1.50	Per page.