

**VOLLINTINE EVERGREEN  
COMMUNITY  
ASSOCIATION  
COMPREHENSIVE PLAN**

**COMPREHENSIVE  
REZONING REPORT**

*Z 97-100  
Approved by City Council on 05/06/97*

Prepared by:  
Memphis and Shelby County Office of Planning & Development  
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VOLLINTINE EVERGREEN COMMUNITY ASSOCIATION  
COMPREHENSIVE PLAN

COMPREHENSIVE REZONING REPORT

PURPOSE

This comprehensive rezoning report is a proposed amendment to the Memphis and Shelby County Zoning Ordinance-Regulations, adopted under Joint Ordinance and Resolution 3064, as amended. This will be an amendment to the Official Zoning Map(s) for that portion of the City of Memphis, Tennessee, described as the Vollintine Evergreen Community Association (VECA), pursuant to Sections 4 and 6 of the Zoning Ordinance-Regulations.

This report is an attachment to the formal application for the comprehensive rezoning of the VECA neighborhood. The recommendation is to amend the Zoning Ordinance-Regulations by approving zoning changes for the areas indicated in Figure 2. The VECA future land use plan and recommended zoning patterns are summarized in the report. For each of the areas where zoning districts will change, an analysis of the surrounding land uses and zoning is presented. The proposed change is also discussed, demonstrating how it implements the future land use plan of the Vollintine Evergreen neighborhood.

## INTRODUCTION

The Memphis City Council and Shelby County Board of Commissioners in Joint Ordinance-Resolution 2524, requires that the Office of Planning and Development prepare and recommend for adoption by the Legislative Bodies, both a comprehensive plan and detailed plans for neighborhoods or other appropriate planning areas of the City and County. Pursuant to that charge, the Memphis 2000 Policy Plan was prepared and adopted in October 1981 and is the Comprehensive Plan for Memphis and Shelby County. The development of district and area plans is an implementation strategy incorporated within the Memphis 2000 Policy Plan. Other strategies of the policy plan provide for the review of existing zoning and the rezoning of land not suited for uses as zoned.

Vollintine Evergreen Community Association Comprehensive Plan was prepared by Jim Covington & Associates with the assistance of the Office of Planning and Development and the neighborhood association. After public/neighborhood meetings and a City Council Public Hearing, the plan was approved on November 19, 1996, as the official policy for future public and private development in the Vollintine Evergreen neighborhood. The Vollintine Evergreen Community Association Comprehensive Plan contains approximately 30 recommendations pertaining to land use, zoning, housing, transportation, and public facilities. Of the 30 recommendations, 15 pertain to land use and zoning. According to the VECA Comprehensive Plan the basis for the 15 zoning recommendations is that generally the existing land uses require less intensive zoning, therefore, much of the area is recommended to be changed to lower density zoning districts.

### Comprehensive Rezoning

During the Comprehensive Rezoning Process several amendments were made to the 15 zoning recommendations outlined in the VECA Comprehensive Plan. The amendments came as the results of further recommendations by Office of Planning and Development Staff, phone calls, and public input from VECA neighborhood residents and businesses during Land Use Control Board Meeting and Final Hearing before Memphis City Council. Seventeen zoning changes were adopted by Memphis City Council on May 6, 1997 and can be seen in composite in Figure 2 and in detail in the individual Figures/Recommendations.

## History of Development

According to the Vollintine Evergreen Community Association Comprehensive Plan, the historical development of the Vollintine Evergreen area began near the turn of the century with the City's initial purchase of the North Parkway portion of the Parkway road system and the purchase of Overton Park in 1901. Residential platting occurred soon after when Robert Galloway's Evergreen Subdivision was opened for development in 1903. This was followed quickly by prominent real estate developer Finley Faxon's addition to the Evergreen Subdivision in 1904 and J.M. Dickinson's addition in 1905. Also, in 1905, the Crump and Guthrie North Evergreen Subdivisions were recorded. Very few houses were built during the first ten years of the twentieth century. Modest growth did occur in the next decade and two additional subdivisions were added, Speedway Terrace in 1910 and the University Park Subdivision in 1912. Most growth and housing construction actually occurred in the 1920's; particularly between 1922 and 1928 when fourteen more subdivisions were added. Homebuilding came to an abrupt halt in 1929 when the stock market crashed. The effects of the Depression eased in the late 1930's and much of the neighborhood was completed by the early 1940's. Infill development has continued to occur on vacant lots and parcels up to the present time. This pathway of development has resulted in a neighborhood with great historic and architectural character. The houses, churches, and commercial buildings show great diversity in architectural style, size and construction materials. The VECA area is sprinkled with minor landmarks and interesting features. Vollintine Evergreen was listed on the National Register of Historic Places on April 12, 1996.

The existing land use pattern of the VECA neighborhood is predominately single family with duplexes, apartments, commercial centers, schools, churches and other public institutions. There are several concentrations of duplexes in the VECA area: (1) the northwest corner of the VECA area north of Brown Avenue along McNeil Street, North Watkins Street and Garland Street; (2) between Evergreen Street and North McLean Boulevard; (3) along Brown Avenue and Edward Avenue; (4) along Jackson Avenue between Garland Street and Hawthorne Street; (5) on Henry Avenue and Charles Avenue near Springdale Street; and (6) the frontage of University Street and Vollintine Avenue backing up to the Cabana Apartments. In addition to these concentrations of duplexes, they are also spread throughout VECA among single family houses.

Apartments and commercial activity are in most part located along major roads and are a general land use pattern. The apartments in the area or on the boundary include: the Cabana Apartments at Vollintine Avenue and University Street; the Saints Court Apartments at Vollintine Avenue and North Watkins Street (low-rise, 2-3 stories); two high-rise multi-family buildings, the Parkway House Apartments located at University Street and North Parkway, and the Woodmont Towers Apartments located along North Parkway between Stonewall Street and Avalon Street.

Commercial activity centers in the VECA area are: Jackson Avenue at North Watkins Streets; Jackson Avenue and Evergreen Street; the corner of North Watkins Street at Brown Avenue; along Vollintine Street between Maury and Avalon Street; and along McLean Boulevard at Faxon Avenue. The commercial activities at these locations are basically neighborhood commercial

centers, conveniently serving the residents. Schools, churches and other public institutions are found in clusters throughout the neighborhood.

Conclusions from the existing land use analysis of the VECA Comprehensive Plan indicates that generally the VECA area is stable. Recommended zoning changes for future land use patterns are aimed at maintaining stabilization. There is very little vacant land in the VECA area. Therefore, efforts are placed on stabilizing the area, since new development is limited. Duplex and multi unit residential conversions of structures continue throughout the VECA area. Commercial encroachment into neighborhoods has been minimal.

The land use pattern in the VECA neighborhood was mapped to indicate the general location of their uses and is shown in Figure 1.

## Implementation

The VECA Comprehensive Plan and the comprehensive rezoning process yielded 17 zoning change recommendations. The Comprehensive Plan identified problems and opportunities in the neighborhood. The VECA Comprehensive Plan identified areas which were to retain the current zoning, indicating the zoning was appropriate for that area of the neighborhood. The zoning change recommendations mapped and shown on the next page (Figure 2) are intended to: (1) encourage the location of land uses compatible with the surrounding land uses; (2) discourage the intrusion of incompatible uses by designating transition uses; (3) support housing redevelopment/stabilization; and (4) commercial revitalization.

Following Figure 3, the 17 individual zoning changes are outlined and mapped. Figure 3 is a map of future land use based on the 17 recommended zoning changes as well as land area to retain the current zoning.

A number of the zoning changes will create non-conforming uses. Therefore, in addition to the zoning recommendations mapped, the VECA Comprehensive Plan recommends enforcement of the provisions of the Zoning Ordinance-Regulations which specifies that when a legal non-conforming use ceases to occupy the property for one year, the new use must conform to the current zoning district.

Additionally, if a structure that is devoted in whole or in part to a non-conforming use is damaged or destroyed, by any means, to the extent of more than 75% of its fair market value, then it cannot be rebuilt to its non-conforming use. For more detailed information about non-conforming uses see Section 30 of the Memphis/Shelby County Zoning Ordinance-Regulations which has been reproduced as an appendix to this report.

Vollintine-Evergreen Community Association Comprehensive Plan Recommendation 1

**Location:** An area generally bounded by Vollintine Avenue on the north, University Street and North McLean Blvd. on the east, Jackson Avenue, Tutwiler Avenue, L & N Railroad right-of-way and North Parkway on the south, and North Watkins Street on the west.

**Existing Zoning:** Duplex Residential (R-D)

**Recommended Zoning:** Single Family Residential (R-S6)

**Existing Land Use:** Single family residential, duplex residential, multiple family residential, commercial, institutional uses and vacant land.

**Adjacent Land and Zoning:**

North: Single family, duplex and multiple family dwellings, and institutional uses, zoned R-S6.

South: Single family, duplex and multiple family dwellings, and institutional uses, zoned R-S6, R-S6(HC), R-S10, RD(HC), R-MM, R-MM(HC), C-H(HC), and R-TH(HC).

East: Single family and duplex residential dwellings, and institutional uses, zoned R-S6 and R-S10.

West: Single family and duplex dwellings, and commercial uses, zoned R-D.

Analysis

Single family residences are the predominate uses and rezoning the properties to the Single Family Residential (R-S6) district will preserve the character of the neighborhood. Certain concentrated areas of duplexes will remain in the Duplex Residential (R-D) zones.

Duplex Residential (R-D) zoning allows for the conversion of houses into duplexes, increasing population density in a neighborhood that was originally developed as a single family subdivision. Additional duplexes change the original character of the single family neighborhoods that were not designed to accommodate the doubling of traffic, parking and noise. Single family houses have only one driveway and conversion to duplexes forces more parking in front yards or on the street. The rezoning to Single Family Residential (R-S6) would stabilize the neighborhood and ensure the future stability.

# Recommendation 1 (Amended)

Existing Land Use and Zoning

Rezoning Request: R-D to R-S6



## LAND USE SYMBOLS

- SF - SINGLE FAMILY
-  - DUPLEX
-  - MULTI-FAMILY
- COM - COMMERCIAL
- IN - INSTITUTIONAL
- VAC - VACANT
-  REZONING AREA

Vollintine-Evergreen Community Association Comprehensive Plan Recommendation 2

Location: Southeast corner of Somerset and North Watkins Street.

Existing Zoning: General Office (O-G)

Recommended Zoning: Single Family Residential (R-S6)

Existing Land Use: Single family residential.

Adjacent Land

Use and Zoning: North: Single family residential dwellings, zoned R-D.

South: Commercial and vacant land, zoned R-D.

East: Duplex residential dwellings, zoned R-D.

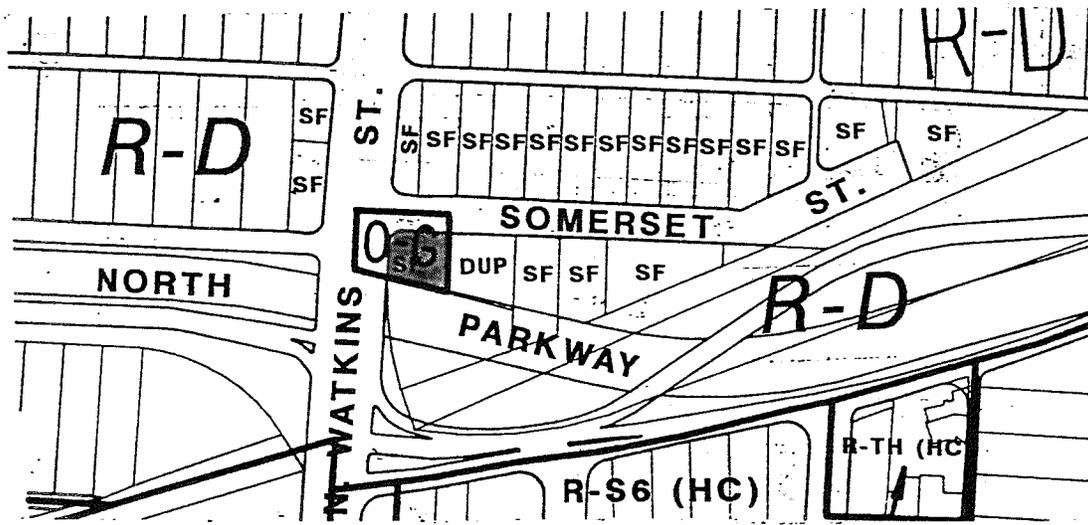
West: Single family dwellings, zoned R-D.

Analysis

This property has been redeveloped and the current use is a single family home. Office zoning would allow and encourage conversion to a commercial office use that would encroach into the residential neighborhood. This change to Single Family Residential (R-S6) will make the zoning of this lot consistent with the recommended zoning for the surrounding neighborhood area.

**Recommendation 2**  
Existing Land Use and Zoning

Rezoning Request: O-G to R-S6



**LAND USE SYMBOLS**

- SF - SINGLE FAMILY
- DUP - DUPLEX
- MF - MULTI-FAMILY
- COM - COMMERCIAL
- INST - INSTITUTIONAL
- VAC - VACANT
-  REZONING AREA

Vollintine-Evergreen Community Association Comprehensive Plan Recommendation 3

Location: Northeast and Southeast corners of North Watkins Street and Jackson Avenue.

Existing Zoning: Highway Commercial (C-H)

Recommended Zoning: Local Commercial (C-L)

Existing Land Use: Commercial uses

Adjacent Land

Use and Zoning: North: Single family residential dwellings, zoned R-D.

South: Single family and duplex residential dwellings, zoned R-D.

East: Single family and multiple family residential dwellings, and commercial uses, zoned R-D.

West: Commercial uses and vacant land, zoned C-H.

Analysis

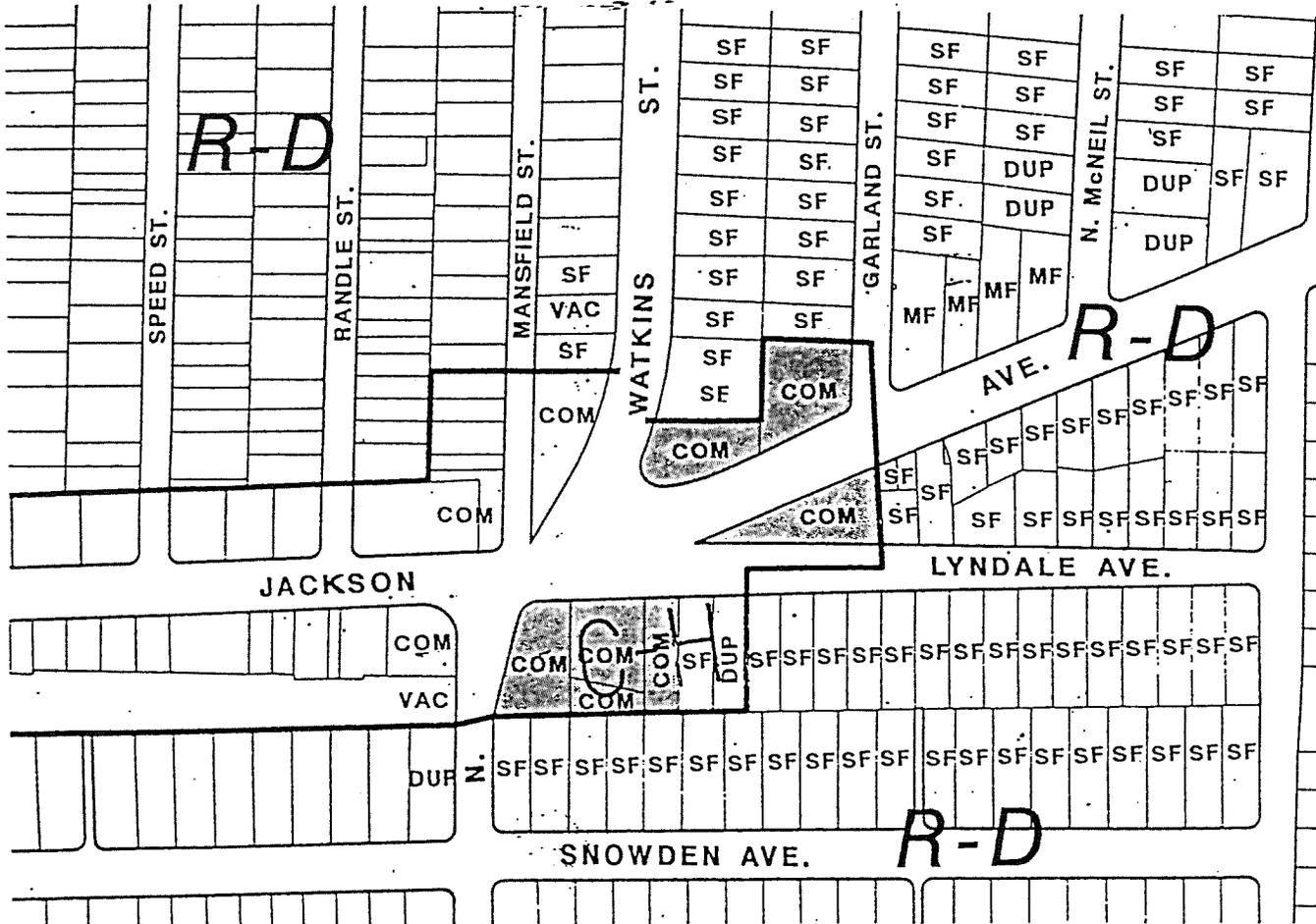
The majority of the current commercial activities are local service uses which are more appropriate in the Local Commercial (C-L) District. Reclassifying the property to Local Commercial (C-L) will preserve commercial acreage for uses serving the surrounding residential areas, rather than providing for more intrusive regional use.

Local Commercial (C-L) zoning will provide a transition from the Highway Commercial (C-H) zoning along Jackson Avenue to the west. The muffler store and the liquor store will become non-conforming and can continue to operate under the rules of non-conforming uses.

# Recommendation 3

## Existing Land Use and Zoning

Rezoning Request: C-H to C-L



### LAND USE SYMBOLS

- SF - SINGLE FAMILY
- DUP - DUPLEX
- MF - MULTI-FAMILY
- COM - COMMERCIAL
- INST - INSTITUTIONAL
- VAC - VACANT
- REZONING AREA

Vollintine-Evergreen Community Association Comprehensive Plan Recommendation 3A

Location: Southeast edge of the commercial district along the south side of Lyndale Avenue.

Existing Zoning: Highway Commercial (C-H)

Recommended Zoning: Limited Office (O-L)

Existing Land Use: Single family and duplex residential.

Adjacent Land  
Use and Zoning:

North: Commercial uses, zoned C-H.

South: Single family residential dwellings, zoned R-D.

East: Single family residential dwellings, zoned R-D.

West: Commercial uses, zoned C-H.

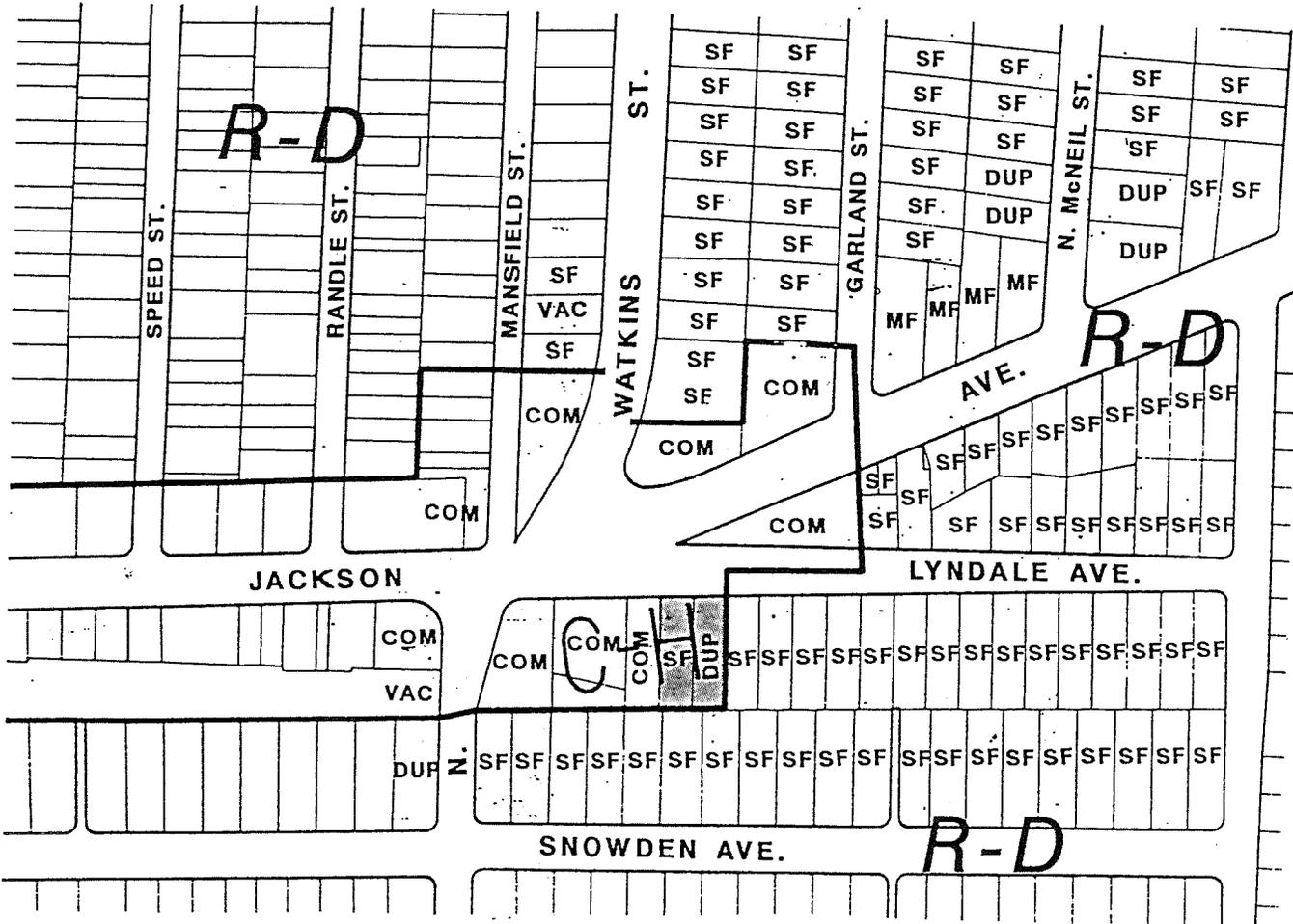
Analysis

The existing use of this property is residential, and the recommended Limited Office (O-L) zoning would provide for other neighborhood services in what has been identified as a neighborhood commercial center. The Limited Office (O-L) zoning would provide buffer and transition into the residential area. This would be a step down transition from the commercial uses on the west to the residential uses on the east.

# Recommendation 3A

## Existing Land Use and Zoning

Rezoning Request: C-H to O-L



### LAND USE SYMBOLS

- SF - SINGLE FAMILY
- DUP - DUPLEX
- MF - MULTI-FAMILY
- COM - COMMERCIAL
- INST - INSTITUTIONAL
- VAC - VACANT
- REZONING AREA

Vollintine-Evergreen Community Association Comprehensive Plan Recommendation 4

Location: Southeast and Southwest corners of Maury Street and Henry Avenue

Existing Zoning: Multiple Dwelling Residential (R-MM)

Recommended Zoning: Single Family Residential (R-S6)

Existing Land Use: Single family residential, duplex residential, multiple family residential and vacant land.

**Adjacent Land**

Use and Zoning: North: Single family residential dwellings, zoned R-D.

South: Single family and multiple family residential dwellings, zoned R-D.

East: Single family and duplex residential dwellings, zoned R-D.

West: Single family residential dwellings, zoned R-D.

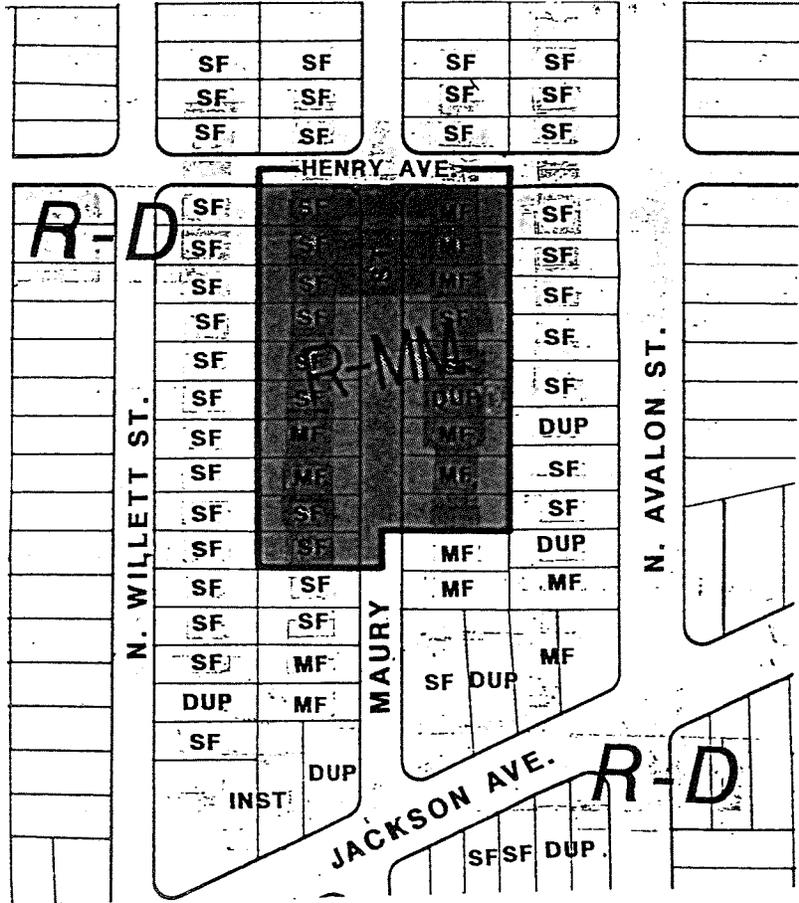
Analysis

These residential lots are located in the middle of an established single family neighborhood on minor neighborhood streets. On-street parking is a significant problem in this area. Jackson Avenue, the closet major road, does not provide adequate access for traffic and parking for these dense multiple family residential uses. Non-conforming four unit apartment buildings will continue to operate under the rules of non-conforming uses. Renovation for non-conforming apartment buildings must go to the Board of Adjustment for approval.

# Recommendation 4

## Existing Land Use and Zoning

Rezoning Request: R-MM to R-S6



### LAND USE SYMBOLS

- SF - SINGLE FAMILY
- DUP - DUPLEX
- MF - MULTI-FAMILY
- COM - COMMERCIAL
- INST - INSTITUTIONAL
- VAC - VACANT
- REZONING AREA

Vollintine-Evergreen Community Association Comprehensive Plan Recommendation 5

**Location:** An area (West Lexington Circle and the frontage along the west side of N. Watkins Street) located west of N. Watkins Street and north of Brown Street.

**Existing Zoning:** Duplex Residential (R-D)

**Recommended Zoning:** Single Family Residential (R-S6)

**Existing Land Use:** Single family residential and duplex residential.

**Adjacent Land**

**Use and Zoning:**

North: Vacant land, zoned R-D and R-D(FP).

South: Single family and multiple family dwellings, and commercial uses, zoned R-D, R-MM and C-L.

East: Single family and duplex residential dwellings and commercial uses, zoned R-D.

West: Single family dwellings and vacant land, zoned R-D(FP).

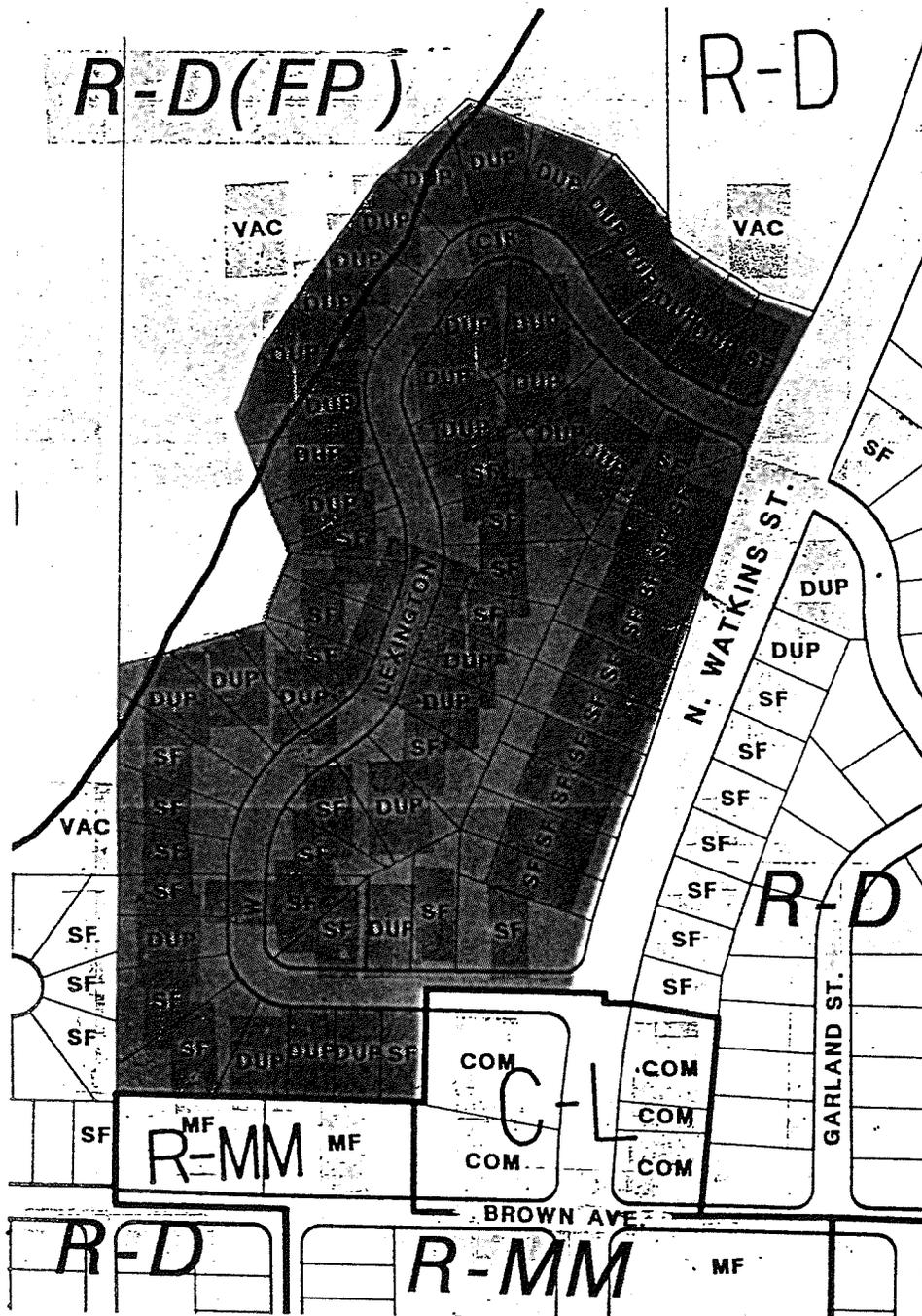
Analysis

This site is a VECA target area for redevelopment. The character of this neighborhood has changed. Many duplexes have been converted to single family units by individual owners. VECA has also purchased ten duplexes that have been rehabilitated and sold as new single family homes. With the change to Single Family Residential (R-S6) zoning the duplexes can continue to operate under the rules of non-conforming uses. However, this zoning would encourage the desirable trend of gradual change to single family homes.

# Recommendation 5

## Existing Land Use and Zoning

Rezoning Request: R-D to R-S6



### LAND USE SYMBOLS

- SF - SINGLE FAMILY
- DUP - DUPLEX
- MF - MULTI-FAMILY
- COM - COMMERCIAL
- INST - INSTITUTIONAL
- VAC - VACANT
-  REZONING AREA

Vollintine-Evergreen Community Association Comprehensive Plan Recommendation 6

Location: An area (McNeil Street, Garland Street and the frontage along the east side of N. Watkins Street) located east of N. Watkins Street and north of Brown Street.

Existing Zoning: Duplex Residential (R-D)

Recommended Zoning: Single Family Residential (R-S6)

Existing Land Use: Single family, duplex residential uses and vacant land.

Adjacent Land

Use and Zoning: North: Vacant and industrial land, zoned R-D.

South: Single family and multiple family residential dwellings, and commercial uses, and vacant land, zoned R-S6, C-L and R-MM.

East: Single family residential dwellings and vacant land, zoned R-D and R-S6.

West: Single family residential dwellings, commercial uses and vacant land, zoned R-D and C-L.

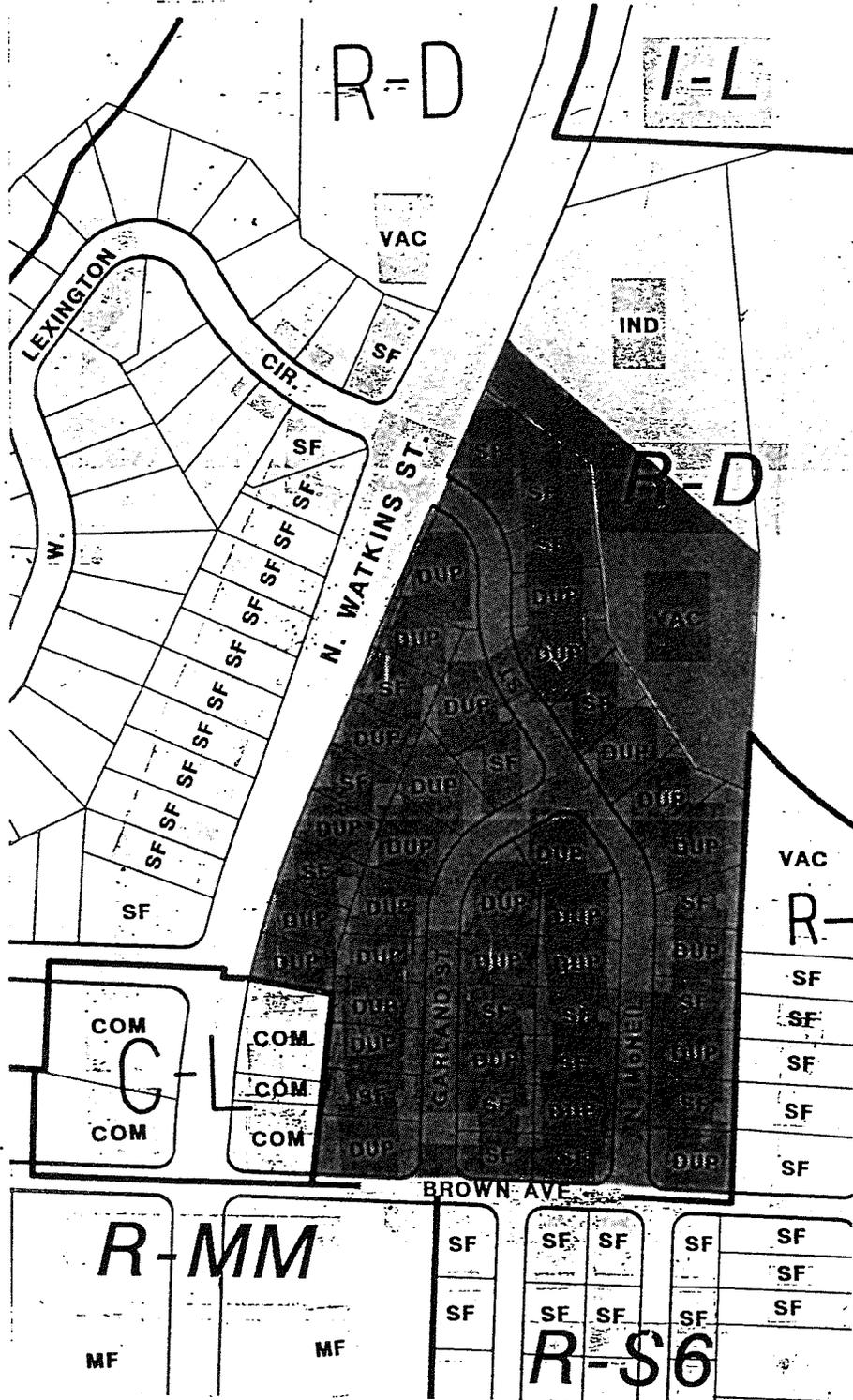
Analysis

This area was originally developed with duplexes, however, many of these two family units have been converted by individual owners to single family homes. The VECA Future Land Use Plan identifies this area as a single family neighborhood and encourages the redevelopment to single family uses.

# Recommendation 6

## Existing Land Use and Zoning

Rezoning Request: R-D to R-S6



### LAND USE SYMBOLS

- SF - SINGLE FAMILY
- DUP - DUPLEX
- MF - MULTI-FAMILY
- COM - COMMERCIAL
- IND - INDUSTRIAL
- INST - INSTITUTIONAL
- VAC - VACANT
- REZONING AREA

Vollintine-Evergreen Community Association Comprehensive Plan Recommendation 7

Location: North side of Jackson Avenue between Garland Street and McNeil Street.

Existing Zoning: Duplex Residential (R-D)

Recommended Zoning: Multiple Dwelling Residential (R-ML)

Existing Land Use: Multiple family residential

Adjacent Land

Use and Zoning: North: Single family and duplex residential dwellings, zoned R-D.

South: Single family dwellings and commercial uses, zoned R-D.

East: Duplex residential dwellings, zoned R-D.

West: Commercial uses, zoned C-H.

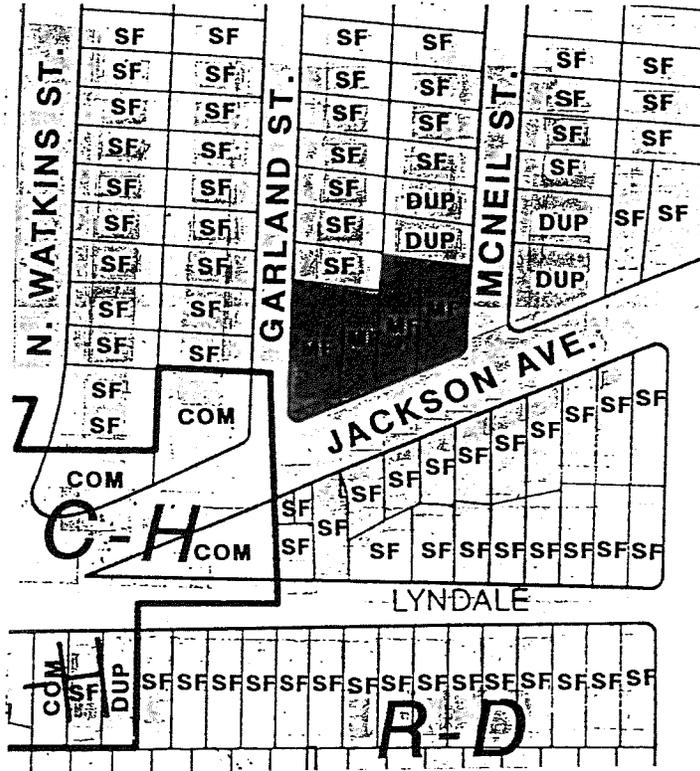
Analysis

This zoning change to Multiple Dwelling Residential (R-ML) will reflect the current apartment use. This apartment zoning along with the duplex zoning which is adjacent to the northeast provides an excellent step down transition from the commercial center on the west to the surrounding single family neighborhood.

# Recommendation 7

## Existing Land Use and Zoning

Rezoning Request: R-D to R-ML



### LAND USE SYMBOLS

- SF - SINGLE FAMILY
- DUP - DUPLEX
- MF - MULTI-FAMILY
- COM - COMMERCIAL
- INST - INSTITUTIONAL
- VAC - VACANT
- REZONING AREA

Vollintine-Evergreen Community Association Comprehensive Plan Recommendation 8

Location: Southeast corner of Jackson Avenue and Belvedere Street.

Existing Zoning: Local Commercial (C-L)

Recommended Zoning: Limited Office (O-L)

Existing Land Use: Single family residential and office uses.

Adjacent Land

Use and Zoning: North: Commercial uses, zoned C-L.

South: Single family dwellings, zoned R-D.

East: Commercial uses, zoned C-L.

West: Duplex residential dwellings, zoned R-D.

Analysis

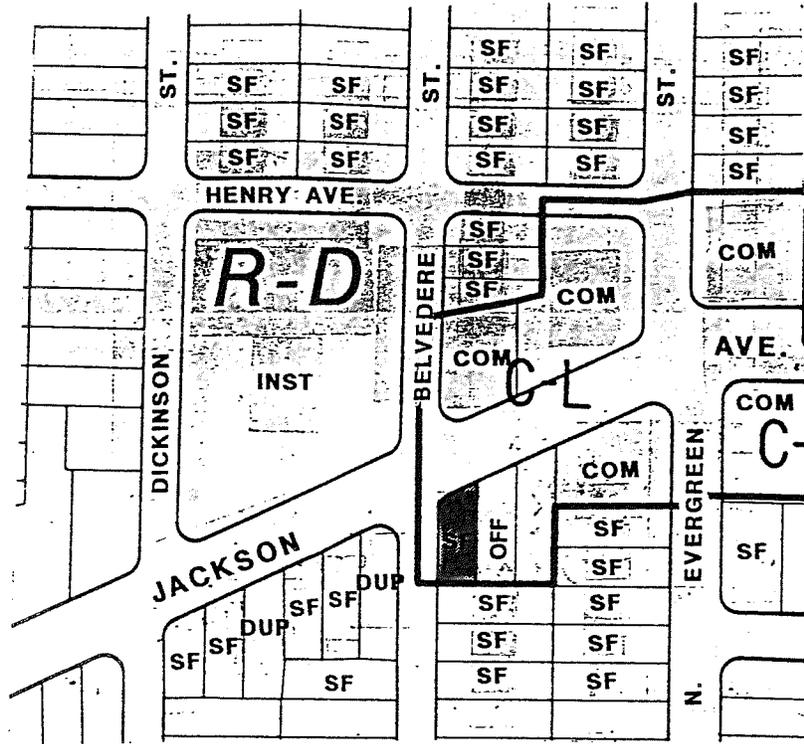
This site is currently used as a single family residence but is zoned for local commercial uses. The change to Limited Office (O-L) zoning would provide a buffer and transition between the commercial uses to the east and the residential neighborhood to the south and west. The VECA Future Land Use Plan designates this site for office use.

This zoning change is more likely to allow for the conversion of existing houses to office uses. Offices could more easily take advantage of on-street parking where Local Commercial (C-L) uses require more off-street parking.

# Recommendation 8

## Existing Land Use and Zoning

Rezoning Request: C-L to O-L



### LAND USE SYMBOLS

- SF - SINGLE FAMILY
- DUP - DUPLEX
- MF - MULTI-FAMILY
- COM - COMMERCIAL
- OFF - OFFICE
- INST - INSTITUTIONAL
- VAC - VACANT
- REZONING AREA

Vollintine-Evergreen Community Association Comprehensive Plan Recommendation 9

Location: Northwest corner of Jackson Avenue and Auburndale Street.

Existing Zoning: General Office (O-G) . -

Recommended Zoning: Limited Office (O-L)

Existing Land Use: Single family residential

Adjacent Land

Use and Zoning: North: Single family dwellings, zoned R-D.

South: Commercial uses, zoned C-L.

East: Single family dwellings, zoned R-D.

West: Commercial uses, zoned C-L.

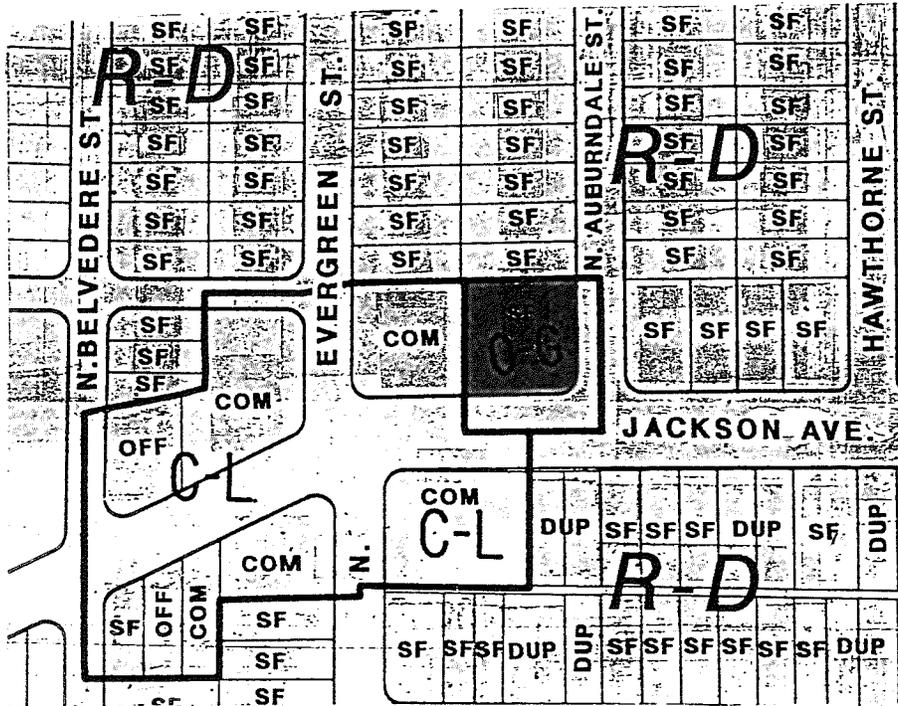
Analysis

This large architecturally significant house is located on the corner lot that helps form a unique gateway and transition to the single family neighborhood adjacent to the north. The western property line has mature trees that form a buffer between the commercial center and the neighborhood.

# Recommendation 9 (Amended)

Existing Land Use and Zoning

Rezoning Request: O-G to O-L



## LAND USE SYMBOLS

- SF - SINGLE FAMILY
- DUP - DUPLEX
- MF - MULTI-FAMILY
- COM - COMMERCIAL
- OFF - OFFICE
- INST - INSTITUTIONAL
- VAC - VACANT
-  REZONING AREA

Vollintine-Evergreen Community Association Comprehensive Plan Recommendation 10

Location: Southwest corner of Tutwiler Street and McLean Blvd.

Existing Zoning: Local Commercial (~~C-L~~)

Recommended Zoning: Duplex Residential (R-D)

Existing Land Use: Multiple family residential

Adjacent Land

Use and Zoning: North: Commercial uses, zoned C-L.

South: Commercial uses, zoned C-L.

East: Institutional uses, zoned R-S10.

West: Multiple family dwellings, zoned R-D.

Analysis

This site is currently zoned Local Commercial (C-L) but is being used as a four-unit multi family residential use. Conversion of this four unit residential structure to commercial use would be difficult since there is no off-street parking and the lot is almost completely covered by this structure. The commercial use would also have a detrimental impact on the adjacent residential structures and would encourage additional residential conversions. Changing the zoning to Duplex Residential (R-D) would make the zoning comparable to the zoning for the adjacent residential structures and would be more compatible with the surrounding single family neighborhood. Reuse of the existing structure as a duplex would be more compatible neighborhood use and provide a more appropriate parking situation.



Vollintine-Evergreen Community Association Comprehensive Plan Recommendation 11

Location: The triangle formed by L&N Railroad right-of-way on the north, Jackson Avenue on the south, and Springdale Street on the east.

Existing Zoning: Duplex Residential (R-D)

Recommended Zoning: Single Family Residential (R-S6)

Existing Land Use: Single family residential and duplex residential

Adjacent Land

Use and Zoning: North: Single family dwellings, zoned R-S6.

South: Institutional uses and single family dwellings, zoned R-S10.

East: Single family dwellings, institutional uses and vacant land, zoned R-S6.

West: Single family dwellings, and vacant land, zoned R-S6.

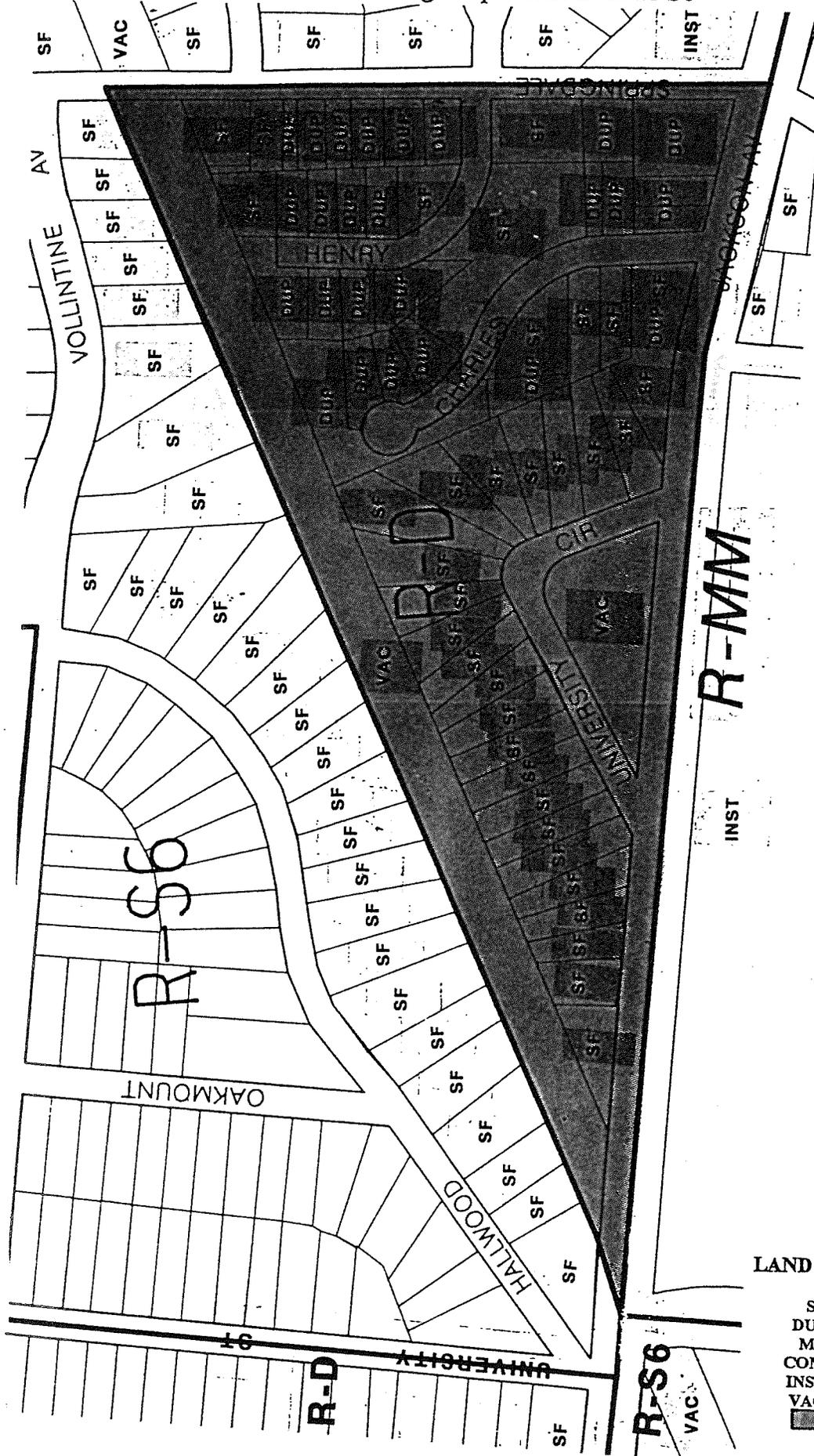
Analysis

This area includes a mixture of single family and duplex uses. Some conversion from duplex to single family homes has taken place. The VECA Future Land Use Plan identifies this area as single family use and encourages redevelopment as single family homes. This is a VECA target area and VECA has acquired one duplex and wants to acquire more.

# Recommendation 11

## Existing Land Use and Zoning

Rezoning Request: R-D to R-S6



**LAND USE SYMBOLS**

- SF - SINGLE FAMILY
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- INST - INSTITUTIONAL
- VAC - VACANT
- REZONING AREA

Vollintine-Evergreen Community Association Comprehensive Plan Recommendation 12

**Location:** An area generally bounded by Cypress Creek on the north, Tunica Street on the east, the Cabana Apartments North on the south, and University Street on the west.

**Existing Zoning:** Duplex Residential (R-D)

**Recommended Zoning:** Single Family Residential (R-S6)

**Existing Land Use:** Institutional (Cypress Junior High School) and recreational uses (University Park).

**Adjacent Land and Zoning:**

North: Single family dwellings and multiple family uses, zoned R-S6.

South: Single family, duplex and multiple family dwellings, zoned R-D, and R-MM.

East: Single family residential dwellings, zoned R-S6.

West: Single family residential dwellings and vacant land, zoned R-S6.

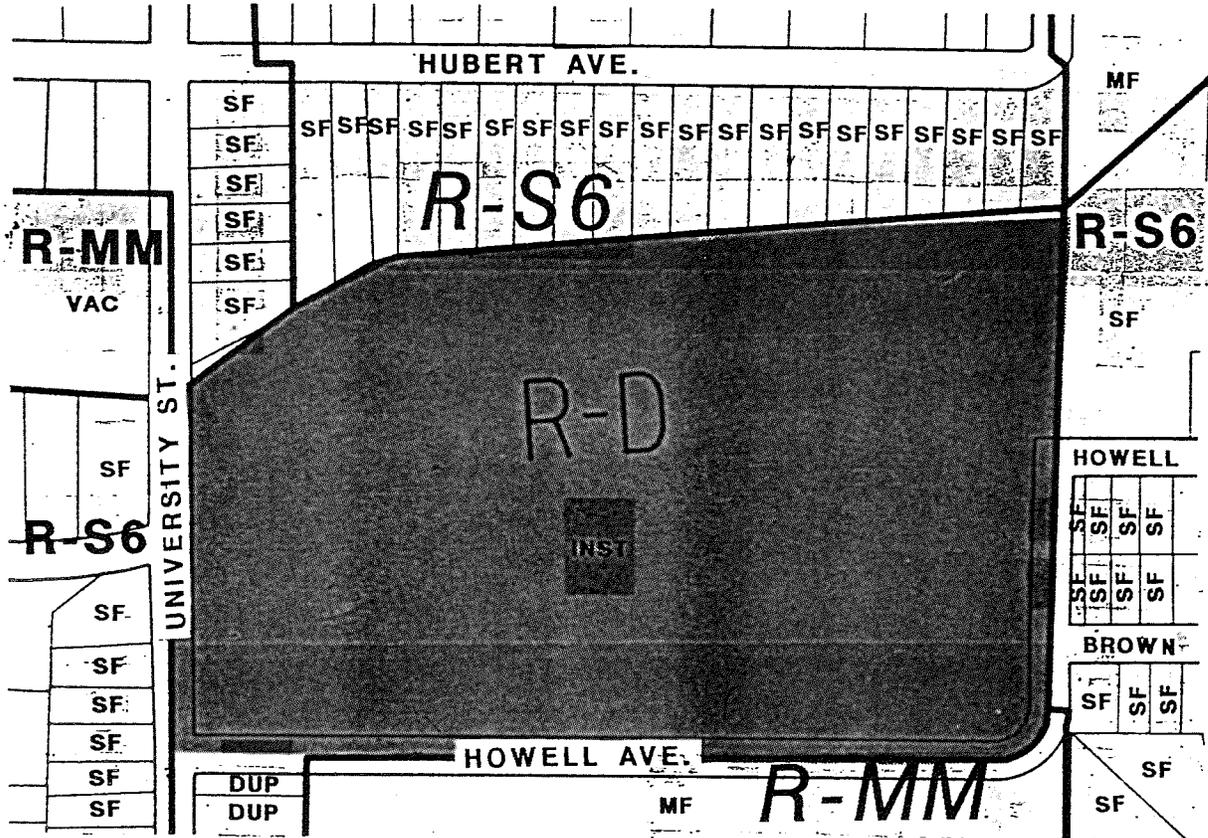
Analysis

This location is the site of Cypress Junior High School and University Park. It is likely that these institutional uses will continue in place for many years, however, it is in the best interest of the neighborhood to have this site zoned single family for compatible reuse. The VECA Future Land Use Plan designates this site for institutional use.

# Recommendation 12

Existing Land Use and Zoning

Rezoning Request: R-D to R-S6



### LAND USE SYMBOLS

- SF - SINGLE FAMILY
- DUP - DUPLEX
- MF - MULTI-FAMILY
- COM - COMMERCIAL
- INST - INSTITUTIONAL
- VAC - VACANT
-  REZONING AREA

Vollintine-Evergreen Community Association Comprehensive Plan Recommendation 13A

Location: An area generally bounded by Cypress Creek on the north, North McLean Blvd. on the east, Edward Avenue on the south, and single family and duplex residential development on the west.

Existing Zoning: Townhouse Residential (R-TH)

Recommended Zoning: Single Family Residential (R-S6)

Existing Land Use: Vacant land.

Adjacent Land  
and Zoning:

North: Vacant land, zoned R-D.

South: Single family dwellings and vacant land, zoned R-D and R-S6.

East: Single family residential dwellings and vacant land, zoned R-S6 and R-MM.

West: Single family residential dwellings, zoned R-D.

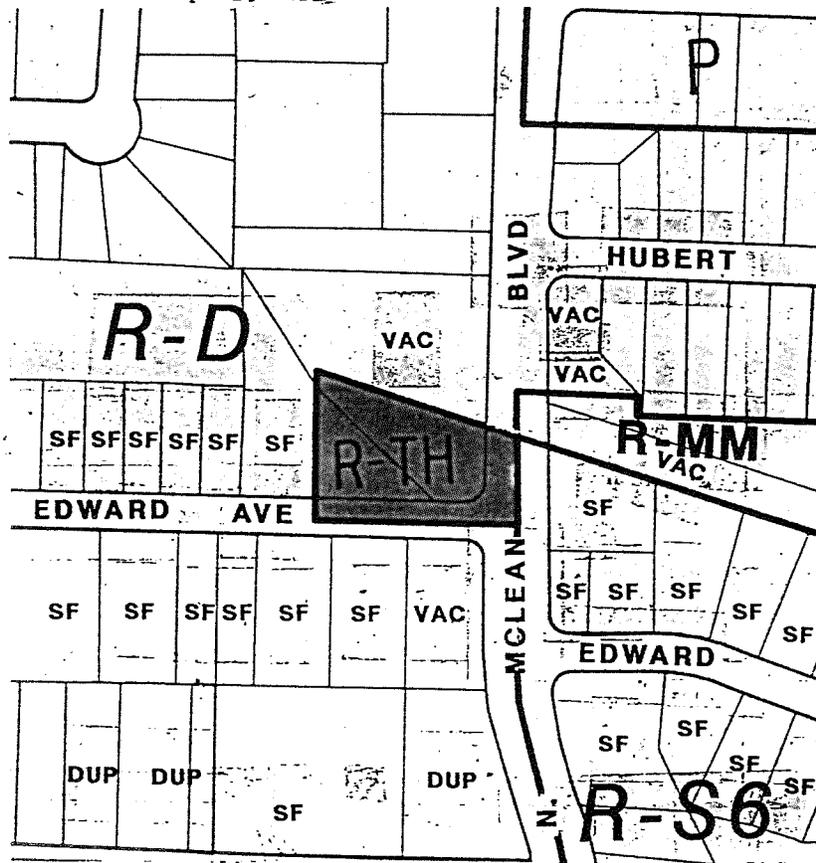
Analysis

The Townhouse Residential (R-TH) site has been acquired by VECA and is surrounded by single family dwellings in a quiet neighborhood setting. The higher density provided under Townhouse Residential (R-TH) zoning would be disruptive, producing increased traffic, noise and parking problems. Single Family Residential (R-S6) zoning would produce development that would be more in keeping with the surrounding neighborhood.

# Recommendation 13A (Amended)

Existing Land Use and Zoning

Rezoning Request: R-TH to R-S6



## LAND USE SYMBOLS

- SF - SINGLE FAMILY
- DUP - DUPLEX
- MF - MULTI-FAMILY
- COM - COMMERCIAL
- INST - INSTITUTIONAL
- VAC - VACANT
-  REZONING AREA

Vollintine-Evergreen Community Association Comprehensive Plan Recommendation 13B

**Location:** An area generally bounded by Cypress Creek on the north, North McLean Blvd. on the east, Brown Avenue on the south, and single family residential development, Edwards Avenue, and duplex residential development on the west.

**Existing Zoning:** Duplex Residential (R-D)

**Recommended Zoning:** Single Family Residential (R-S6)

**Existing Land Use:** Single family, duplex residential uses and vacant land.

**Adjacent Land and Zoning:**

North: Vacant land, zoned R-D.

South: Single family dwellings and vacant land, zoned R-D and R-S6.

East: Single family and duplex residential dwellings and vacant land, zoned R-S6 and R-TH.

West: Single family and duplex residential dwellings, zoned R-D.

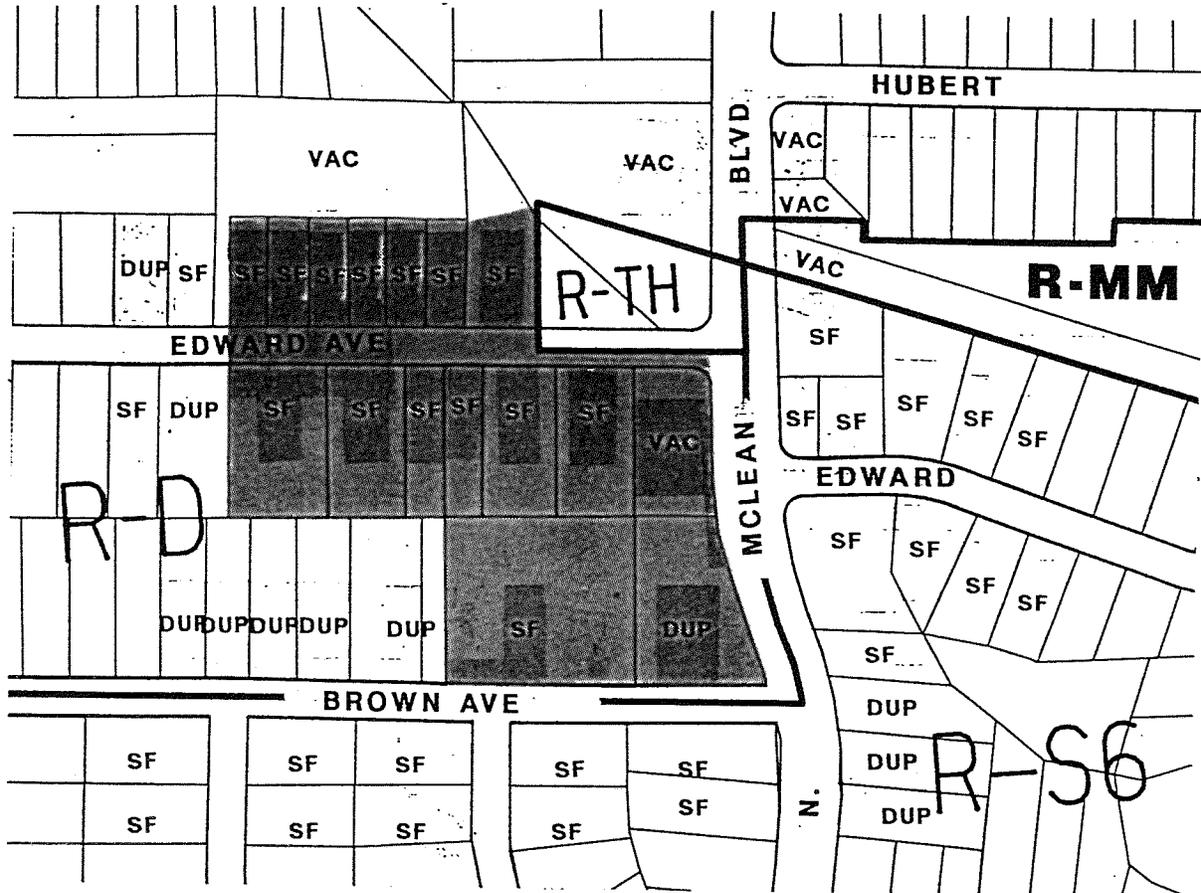
Analysis

Single family residences are the predominate uses and rezoning the properties to the Single Family Residential (R-S6) district will preserve the character of the neighborhood. Additional duplexes change the original character of the single family neighborhoods that were not designed to accommodate the doubling of traffic, parking and noise. Single family houses have only one driveway and conversion to duplexes forces more parking in front yards or on the street. The rezoning to Single Family Residential (R-S6) would stabilize the neighborhood and ensure the future stability.

# Recommendation 13B (Amended)

Existing Land Use and Zoning

Rezoning Request: R-D to R-S6



## LAND USE SYMBOLS

- SF - SINGLE FAMILY
- DUP - DUPLEX
- MF - MULTI-FAMILY
- COM - COMMERCIAL
- INST - INSTITUTIONAL
- VAC - VACANT
-  REZONING AREA

Vollintine-Evergreen Community Association Comprehensive Plan Recommendation 14

Location: An area generally bounded by the abandoned L & N Railroad right-of-way on the north, the Woodmont Tower Apartments on the east, North Parkway on the south, and Stonewall Street on the west.

Existing Zoning: Duplex Residential (Historic Conservation) (R-D)(HC)

Recommended Zoning: Single Family Residential (Historic Conservation) (R-S6)(HC)

Existing Land Use: Single family, duplex and multiple family dwellings.

Adjacent Land and Zoning:

North: Single family dwellings and vacant land, zoned R-D.

South: Single family and duplex residential dwellings, zoned R-D (HC).

East: Multiple family residential dwellings, zoned R-D (HC).

West: Single family residential dwellings and vacant land, zoned R-D.

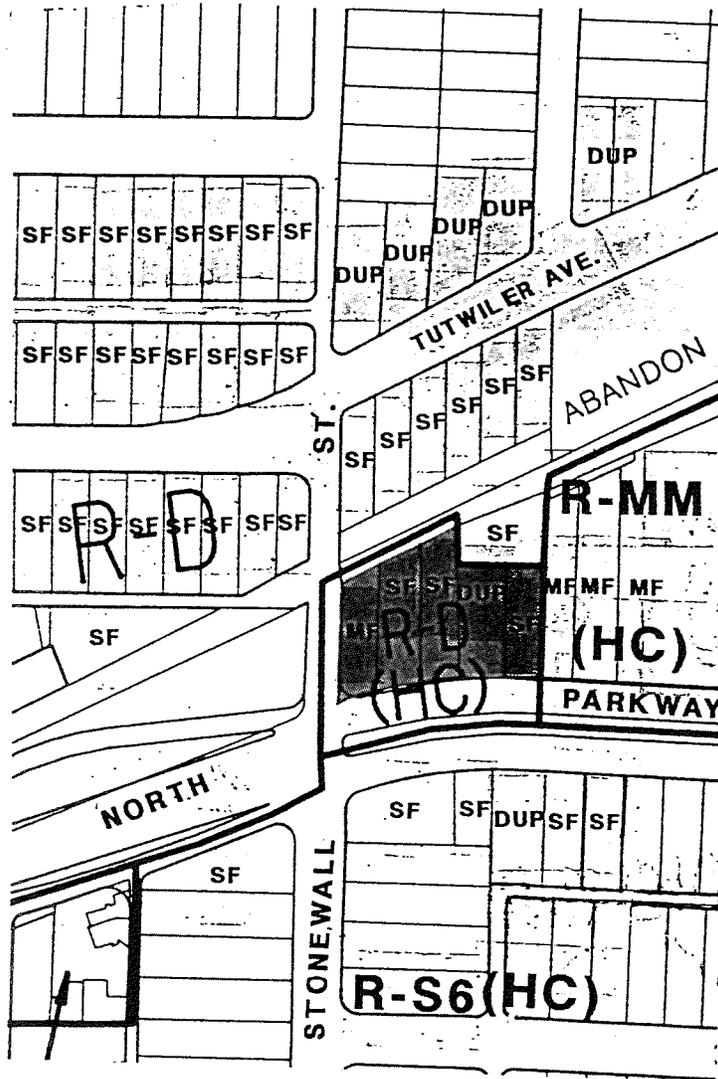
Analysis

Single family residences are the predominate uses and rezoning the properties to Single Family Residential (R-S6) will preserve the character of the neighborhood. This area has a Historic Conservation designation. A duplex would become a non-conforming use and the existing multi-family structure which are currently a non-conforming use and will continue its non-conforming status.

# Recommendation 14

## Existing Land Use and Zoning

Rezoning Request: R-D(HC) to R-S6(HC)



### LAND USE SYMBOLS

- SF - SINGLE FAMILY
- DUP - DUPLEX
- MF - MULTI-FAMILY
- COM - COMMERCIAL
- INST - INSTITUTIONAL
- VAC - VACANT
- REZONING AREA

Vollintine-Evergreen Community Association Comprehensive Plan Recommendation 15

**Location:** An area bounded by the alley (between Faxon Avenue and North Parkway, from the Woodmont Tower Apartments to Evergreen Street) on the north, Evergreen Street on the east, North Parkway on the south, and the Woodmont Tower Apartments on the west.

**Existing Zoning:** Duplex Residential (Historic Conservation) (R-D)(HC)

**Recommended Zoning:** Single Family Residential (Historic Conservation) (R-S6)(HC)

**Existing Land Use:** Single family dwellings.

**Adjacent Land and Zoning:**

North: Single family dwellings, zoned R-D.

South: Single family and multiple family dwellings, zoned R-S6(HC).

East: Single family residential dwellings, zoned R-S6(HC).

West: Multiple family residential dwellings, zoned R-MM(HC).

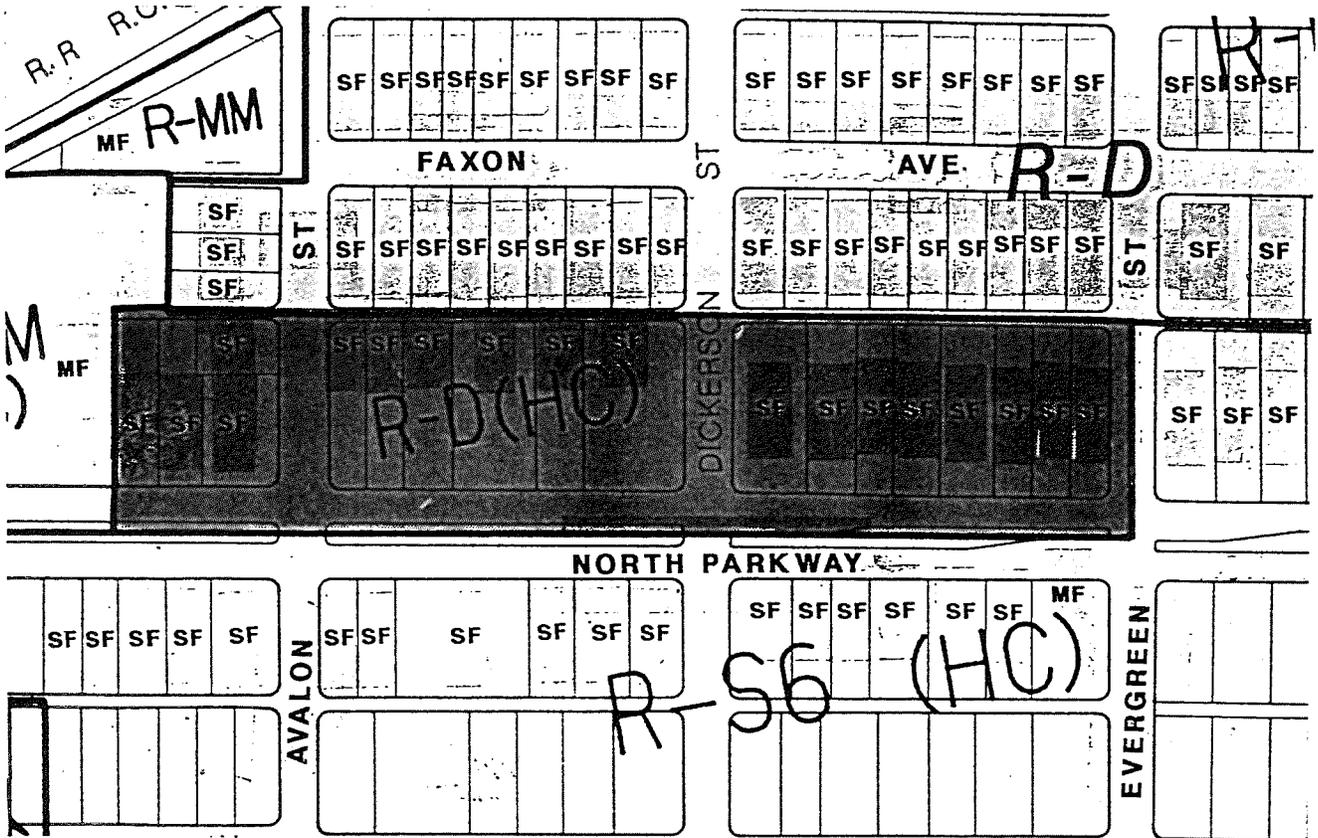
Analysis

The existing uses are single family dwellings and single family residences are the predominate uses in the area. Rezoning the properties to the Single Family Residential (R-S6) district will preserve the character of the neighborhood. This area has a Historic Conservation designation. This change is consistent with the surrounding Single Family Residential (R-S6) changes in the single family neighborhood to the north.

# Recommendation 15

## Existing Land Use and Zoning

Rezoning Request: R-D(HC) to R-S6(HC)



### LAND USE SYMBOLS

- SF - SINGLE FAMILY
- DUP - DUPLEX
- MF - MULTI-FAMILY
- COM - COMMERCIAL
- INST - INSTITUTIONAL
- VAC - VACANT
- REZONING AREA

# Appendix

## Section 30 Nonconformities Memphis and Shelby County Zoning Ordinance - Regulations

SECTION 30  
NONCONFORMITIES

A. Purpose

The purpose of this Section is to establish regulations and limitations on the continued existence of uses, lots, structures and signs established prior to the effective date of this Article which do not conform to the provisions of this Article. Many such non-conformities may continue, but the provisions of this Section are designed to curtail substantial investment in such nonconformities and to bring about their eventual elimination, where appropriate, in order to preserve the integrity of the zoning districts and the regulations established by this Article.

B. Nonconforming Uses of Land and Structures

1. Authority to Continue

Any lawfully existing nonconforming use of part or all of a structure, or any lawfully existing nonconforming use of land not involving a structure or involving a structure which is accessory to such use of land, may be continued, so long as it remains otherwise lawful, subject to the provisions of subsections B2 through B7 of this Section.

2. Ordinary Repair Maintenance

Normal maintenance and incidental repair or replacement, and installation or relocation of non-bearing walls, non-bearing partitions, fixtures, wiring or plumbing, may be performed on any structure that is devoted in whole or in part to a nonconforming use; provided, however, that this subsection shall not be deemed to authorize any violation of subsections B3 through B7 of this Section.

3. Extensions

A nonconforming use shall not be extended, expanded, enlarged or increased in intensity. Such prohibited activity shall include, without being limited to:

- a. Extension of such use to any structure or land area other than that occupied by such nonconforming use on the effective date of this Article, or any amendment hereto which causes such use to become nonconforming;
- b. Extension of such use within a building or other structure to any portion of the floor area that was not occupied by such nonconforming use on the effective date of this Article, or any amendment hereto which causes such use to become nonconforming;

c. Operation of such nonconforming use in such a manner as to conflict with, or to further conflict with, if already conflicting on the effective date of this Article, or in the amendments hereto, any use limitations established for the district in which such use is located.

4. Relocation

No structure that is devoted in whole or in part to a nonconforming use shall be relocated in whole or in part to any other location on the same or any other lot, unless the entire structure and the use thereof shall thereafter conform to all the regulations of the zoning district in which such structure and use are located after being so relocated. No nonconforming use of land shall be relocated in whole or in part to any other location on the same or any other lot, unless such use shall thereafter conform to all the regulations of the zoning district in which such use of land is located after being so relocated.

5. Change in Use

A nonconforming use of land or of a structure shall not be changed to any use other than a use permitted in the zoning district in which such land or structure is located. When such nonconforming use has been changed to a permitted use, it shall only be used thereafter for a use permitted in the zoning district in which it is located. For purposes of this subsection B5, a use shall be deemed to have been so changed when an existing nonconforming use shall have been terminated and the permitted use shall have commenced and continued for a period of seven (7) days.

6. Abandonment or Discontinuance

When a nonconforming use of land or a nonconforming use of part or all of a structure is discontinued or abandoned for a period of 365 consecutive days (regardless of any reservation of an intent not to abandon and to resume such use), such use shall not thereafter be re-established or resumed. Any subsequent use or occupancy of such land or structure shall comply with the regulations of the zoning district in which such land or structure is located.

7. Damage or Destruction

In the event that any structure that is devoted in whole or in part to a nonconforming use is damaged or destroyed, by any means, to the extent of more than seventy-five percent (75%) of the fair market value of such structure immediately prior to such damage, such structure shall not be restored unless such structure and the use thereof

shall thereafter conform to all regulations of the zoning district in which such structure and use are located. When such damage or destruction is seventy-five percent (75%) or less of the fair market value of the structure immediately prior to such damage, such structure may be repaired and reconstructed and used for the same purposes as it was before the damage or destruction, provided that such repair or reconstruction is commenced and completed within twelve (12) months of the date of such damage or destruction.

C. Nonconforming Structures

1. Authority to Continue

Any nonconforming structure which is devoted to a use which is permitted in the zoning district in which such structure is located may be continued so long as it remains otherwise lawful, subject to the provisions of subsections C2 through C4 of this Section.

2. Enlargement, Repair, Alterations

Any nonconforming structure may be enlarged, maintained, repaired or altered; provided, however, that no such enlargement, maintenance, repair or alteration shall either create an additional nonconformity or increase the degree of the existing nonconformity of all or any part of such structure.

3. Damage or Destruction

In the event that any nonconforming structure is damaged or destroyed, by any means, to the extent of more than 75 per cent of the fair market value of such structure immediately prior to such damage, such structure shall not be restored unless it shall thereafter conform to the regulations of the zoning district in which it is located unless restoration or reconstruction is authorized under the provisions of Section 11 of this Article. When such nonconforming structure is damaged or destroyed, by any means, by 75 per cent or less of the fair market value of such structure, immediately prior to such damage, such structure may be repaired or reconstructed, provided that such repairs or restorations begin and are diligently pursued to completion within one year of the date of such damage.

4. Relocation

No nonconforming structure shall be relocated in whole or in part to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which such structure is located after being relocated.

D. Nonconforming Lots of Record

1. Authority to Utilize For Single-Family Residence

In any district in which single-family detached dwellings are a permitted use, notwithstanding the regulations imposed by any other provisions of this Article, a single-family detached dwelling which complies with the restrictions of subsection D2 of this Section may be erected on a nonconforming lot that is not less than 25 feet in width, and which:

- a. has less than the prescribed minimum lot area, width and depth, or any of them; and
- b. is shown by a recorded plat or deed to have been a lot of record owned separately and individually from adjoining tracts of land at a time when the creation of a lot of such size, depth and width at such location would not have been prohibited by any zoning or other ordinance; and
- c. has remained in separate and individual ownership from adjoining tracts of land continuously since March 6, 1956.

2. Regulations for Single-Family Use of Nonconforming Lots

A nonconforming lot authorized to be used pursuant to subsection D1 of this Section may be used for single-family dwellings and permitted accessory uses thereto and no other structures. Construction of such single-family dwellings shall comply with all the regulations (except lot area, width and depth) applicable to single-family dwellings in the zoning district in which such lot is located, except that the following side yard requirements shall apply in place of the side yard requirements otherwise applicable:

- a. The dwellings shall be placed on the lots as to provide a yard on each side of the dwelling;
- b. The sum of the widths of the two side yards on such lots shall not be less than the smaller of:
  - (1) twenty-five percent (25%) of the width of the lot; or
  - (2) the minimum total for both side yards prescribed by the bulk regulations of said zoning district; and
- c. No side yard shall be less than 3 feet.

E. Nonconforming Signs

1. The provisions of this Subsection shall not apply to signs located in the Central Business District within the CBID.
2. All existing bus benches with signs not located within a public right-of-way shall be considered nonconforming signs.

3. Removal of Illegal Signs

Any sign in existence on the effective date of this amendment which was constructed, erected, or maintained in violation of the requirements of ordinances or regulations as previously existing, or any sign erected after the effective date of this amendment which does not conform to the requirements of Section 29 shall be deemed illegal and removed, or otherwise made to conform with the current requirements of Section 29 within 30 days of written notification by the Building Official.

4. Signs Granted a Variance

Any sign granted a variance by the Board of Adjustment may be continued after the effective date of this Ordinance/Resolution regardless of any nonconformity with these provisions.

5. Nonconforming Signs Defined

Any sign in existence on the effective date of this amendment which violates or does not conform to the current provisions of Section 29, but was constructed, erected, or maintained in accordance with the requirements of previously existing ordinances or regulations, shall be regarded as a nonconforming sign.

6. Alteration, Expansion, Moving

No nonconforming sign shall be changed or altered in any manner which would increase the degree of its nonconformity; be expanded; structurally altered to prolong its useful life; or removed in whole or in part to any other location where it would be nonconforming.

7. Removal of Nonconforming Signs

a. Removal by Abandonment and/or Change of Business

Any nonconforming sign, the use or copy of which is discontinued or removed for a period of six (6) months regardless of any intent to resume or not to abandon

such sign, shall be deemed to be abandoned and shall not thereafter be reestablished.

Any period of such discontinuance caused by government actions, ~~strikes~~, or acts of God, without any contributing fault by the nonconforming user, shall not be considered in calculating the length of discontinuance for the purposes of this Subsection E.7.a.

b. Removal by Damage or Destruction

Any nonconforming sign damaged or destroyed by any means, to the extent of seventy-five percent (75%) of its new replacement cost shall not be restored, but shall be removed or reconstructed in conformance with the provisions of Section 29.

c. Removal of Certain Nonconforming Signs

Nonconforming signs which do not comply with the requirements of Section 29 Subsections V.B., V.C., VI.D., or VI.K. shall be removed or shall be made to comply with the requirements of Section 29 within one (1) year of the effective date of this Article.

d. Removal of Nonconforming Signs

All nonconforming signs not otherwise removed in accordance with the provisions of subsections E.7.a. through c. of this Section shall be removed within five (5) years after the effective date of this Article unless such signs are made to comply with the provisions of Section 29 of this Article within such five (5) year period, in which case, they may remain.

Removal provisions of this subsection (E.7.d.) shall not apply to permanent off-premise signs that do not conform to the 150 foot spacing requirement of Section IX.B.1.c.(2); and, shall not apply to permanent off-premise signs greater than 70 square feet in area. However, permanent off-premise signs greater than 150 square feet in area located in the AG District shall be removed within the following time periods:

- (1) Ten (10) years if the sign is located within the unincorporated area of Shelby County but more than five (5) miles from the corporate limits of the City of Memphis; or,
- (2) Five (5) years if the sign is located within the corporate limits of the City of Memphis, or within five (5) miles of the corporate limits of the City

and within the unincorporated area of Shelby County.

(Editor's note: The last sentence in Subsection d. for the City of Memphis Ordinance reads: "Permanent off-premise signs located in the AG District shall be removed within five years." In addition, Subsections (1) and (2) pertaining to the area outside of the City limits were deleted.)

8. Enforcement of Removal

If any sign is not removed as required by Subsection E.3., and Subsection E.7.a. through d. of this Section, the Building Official shall initiate the necessary proceedings to secure removal of such illegal or non-conforming sign, or secure compliance with the provisions of this Article.

F. Exception for Repairs Pursuant to Public Order

Nothing in this Section shall be deemed to prevent the strengthening or restoration to a safe condition of a building, structure or sign in accordance with an order of a Public Official who is charged with protecting the public safety and who declares such structure to be unsafe and orders it to be restored to a safe condition provided such restoration is not otherwise in violation of the various provisions of this Section prohibiting the repair or restoration of partially damaged or destroyed buildings, structures or signs.

G. Nonconforming Accessory Uses and Structures

No use or structure which is accessory to a principal nonconforming use or structure shall continue after such principal use or structure shall have ceased or terminated, unless such accessory use or structure shall thereafter conform to all the regulations of the zoning district in which it is located.