

Ordinance No.: 5646

AN ORDINANCE ADOPTING THE PINCH DISTRICT CONCEPT STUDY TO SERVE AS A FRAMEWORK TO GUIDE GROWTH WITHIN THE PINCH DISTRICT NEIGHBORHOOD OF THE CITY OF MEMPHIS

WHEREAS, on July 7, 2015, the Memphis City Council approved a resolution placing a moratorium on the issuance of building permits within the area of the City of Memphis known as the Pinch District; and

WHEREAS, the Memphis City Council has extended the timing of this building permit moratorium until a plan that would guide future growth in the Pinch District was completed; and

WHEREAS, the City of Memphis Division of Housing and Community Development (“HCD”) lead public hearings with property owners and other interested citizens on March 31, 2016; June 23, 2016; November 22, 2016; and February 16, 2017; in an effort to determine the manner in which the Pinch District should be developed; and

WHEREAS, as a result of these public hearings, the City of Memphis Division of Housing and Community Development produced the Pinch District Concept Study (the “Plan”); and

WHEREAS, the Plan covers the area of the city north of downtown bounded by Front Street to the west, A.W. Willis Ave. to the north, Third Street to the east and Interstate Highway 40 to the south; and

WHEREAS, upon reviewing the Plan in the context of using it as a framework to guide growth, both public and private, in the Pinch District, the Memphis and Shelby County Land Use Control Board approved the Plan as conditioned in this resolution during its regular meeting on April 13, 2017; and

WHEREAS, the Council of the City of Memphis (the “City Council”) has also reviewed the Plan in the context of using it as a framework to guide growth, both public and private, in the Pinch District.

NOW, THEREFORE, BE IT RESOLVED, the City Council considers the Plan to be an amendment to the official General Plan (the *Memphis 2000 Policy Plan*) adopted by the City Council in September, 1981, and shall be incorporated into any new General Plan that may be adopted by the City Council in the future; and

BE IT FURTHER RESOLVED, the City Council finds that the Plan shall be used in conjunction with the Uptown Special Purpose District regulations of the Memphis and Shelby County Unified Development Code, which were adopted by the City Council as Ordinance No. 4902/OPD Case No. **ZTA 01-004** on October 16, 2001, to serve as a foundation to guide growth within the Pinch District; and

BE IT FURTHER RESOLVED, that, applicability of Tennessee Code Annotated Sec. 13-4-202(B)(2)(B)(iii) to the Plan shall be limited to the mandating of ground floor, activated commercial uses and the promotion of additional building height, as highlighted in the Plan.

BE IT FURTHER RESOLVED, that, in the event that an inconsistency arises between a future land use application and the Plan outside of the consistency requirements of the preceding paragraph, the Plan should be used in an advisory capacity with regards to future land use decisions and the regulations of the Uptown Special Purpose District of the Unified Development Code shall govern; and

BE IT FURTHER RESOLVED, that, the City Council approves the Plan, conditioned upon the following modifications to the Plan:

1. The term "cottages" shall be omitted from the Mud Island River Park in the map on page 32.
2. The footprint of the Convention Center shall be reduced to its existing footprint in the maps on pages 32 and 33.
3. Approval of this ordinance shall terminate any prior resolution related to a building permit moratorium in the Pinch District.

BE IT FURTHER ORDAINED, that this Ordinance shall become effective _____, 2017.

THE FOREGOING ORDINANCE
5646 PASSED

1st Reading 4-25-2017

2nd Reading 5-09-2017

3rd Reading 5-23-2017

Approved [Signature]

Chairman of Council

Date Signed: 6/6/17

Approved: [Signature]

Mayor, City of Memphis

Date Signed: 6/8/17

I hereby certify that the foregoing is a true copy, and said document was adopted by the Council of the City of Memphis as above indicated and approved by the Mayor.

Valerie C. Sipes

Comptroller