

Substitute Land Use, Planning, Transportation and Codes Committee (8.18.21)

Item No. \_\_\_\_\_

Prepared by: Alex Hensley

Moved by: \_\_\_\_\_

Reviewed by: Kelly Hagy

Seconded by: \_\_\_\_\_

JOINT ORDINANCE NO. \_\_\_\_\_

**JOINT ORDINANCE AMENDING THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE AS ADOPTED BY THE CITY OF MEMPHIS ON AUGUST 10, 2010, AND BY SHELBY COUNTY ON AUGUST 9, 2010, TO REVISE AND ENHANCE THE JOINT ZONING AND SUBDIVISION REGULATIONS BY ADDING PROVISIONS THAT ADDRESS OIL PIPELINES; BEING CASE NO. ZTA 21-1. SPONSORED BY COMMISSIONER WILLIE F. BROOKS, JR., COMMISSIONER VAN D. TURNER, JR., COMMISSIONER TAMI SAWYER, COMMISSIONER MICHAEL WHALEY, COMMISSIONER REGINALD MILTON, AND COMMISSIONER MICKELL M. LOWERY.**

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**WHEREAS**, the Executive Office of Shelby County is one of the entities identified by the Unified Development Code as one that may initiate amendments to the Code; and

**WHEREAS**, the Office of the Shelby County Mayor submitted its request to amend the Unified Development Code in such a way that would enable the regulation of oil pipelines; and

**WHEREAS**, The Unified Development Code should reflect the adoption of the amendments presented by the Office of the Shelby County Mayor; and

**WHEREAS**, The Division of Planning and Development has reviewed the proposed amendments and recommends their adoption; and

**WHEREAS**, The Memphis and Shelby County Land Use Control Board approved these amendments at its April 8, 2021, session.

**NOW, THEREFORE, BE IT ORDAINED,** By the City Council of the City of Memphis and by the Board of Commissioners of Shelby County, Tennessee that Joint Ordinance Nos. 5367 and 397, are hereby amended as follows:

**SECTION 1. CASE NO. ZTA 21-1.** That various sections of the Unified Development Code be hereby amended as reflected below. Additions are indicated in bold, underline; deletions are indicated in strikethrough:

**SECTION 2.** That the various sections, words, and clauses of this Joint Ordinance are severable, and any part declared or found unlawful may be elided without affecting the lawfulness or the remaining portions.

**SECTION 3.** That only those portions of this Joint Ordinance that are approved by both the City Council of the City of Memphis and the Board of Commissioners of Shelby County, Tennessee, shall be effective; any portions approved by one and not the other are not part of this Joint Ordinance.

**SECTION 4.** That this Joint Ordinance shall take effect from and after the date it shall have been enacted according to due process of law, and thereafter shall be treated as in full force and effect in the jurisdictions subject to the above-mentioned Ordinance by virtue of the concurring and separate passage thereof by the Shelby County Board of Commissioners and the Council of the City of Memphis.

**BE IT FURTHER ORDAINED,** That the various sections of this Ordinance are severable, and that any portion declared unlawful shall not affect the remaining portions.

Amend Section 2.5.2:

Insert a new use category, "**Oil pipeline**," and permit this use by right in all zoning districts. Also, add a reference to a new use standard for this use in the far-right column, a new Sub-Section **2.6.2L**.

Insert a new Sub-Section 2.6.2L:

### **2.6.2L Oil Pipelines**

Newly constructed oil pipelines shall be constructed no closer than 1500 feet of any existing school, place of worship, park, family recreation center, or any residential use, as measured from the center line of the oil pipeline to the building footprint of the school, place of worship, park, family recreation center, or residence. Oil pipelines established prior to the effective date of this Development Code that do not comply with the 1500 feet setback requirement herein may maintain, repair or replace those existing oil pipelines in accordance with Article 10, Nonconformities.

This subsection does not apply to existing and new oil pipelines located within the property boundaries of an oil refinery, oil terminal, associated docks or processing facilities, or a retail service station and providing service to that oil refinery, oil terminal, associated dock or processing facility, or a retail service station, nor does this subsection apply to any other pipeline that is not an oil pipeline as defined in Subsection 12.3.1.

New pipelines within existing rights of way that do not meet the setback requirements of this subsection may be pursued through the [Special Use Permit process \(see Chapter 9.6\)](#). Any expansion that would enable the increase in the volume of existing pipelines that do not meet the setback requirements of this subsection may also be pursued through the [Special Use Permit process \(see Chapter 9.6\)](#).

Amend Section 12.3.1:

OIL PIPELINE: any tube, usually cylindrical, through which crude oil flows from one point to another and which is used for transportation of crude oil from one entity to another. A pipeline that is located within the property boundaries of an oil refinery, oil terminal, associated docks or processing facilities, or a retail service station and providing service to that oil refinery, oil terminal, associated docks or processing facilities, or retail service station is not an oil pipeline for the purposes of Subsection 2.6.2L.

**BE IT FURTHER ORDAINED**, that this Ordinance shall become effective as soon as practicable, under both the charters of Shelby County, Tennessee and the City of Memphis, consistent with the laws of the State of Tennessee.

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LEE HARRIS,  
Mayor of Shelby County

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Minutes Clerk of the County Commission

FIRST READING: \_\_\_\_\_  
SECOND READING: \_\_\_\_\_  
ADOPTED  
THIRD READING: \_\_\_\_\_