

**MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT  
STAFF REPORT**

*Agenda Item:*

**CASE NUMBER:**            **ZTA 15-001**                            **L.U.C.B. MEETING:**    **May 14, 2015**  
**APPLICANT:**                **Memphis and Shelby County Office of Planning and Development**  
**REPRESENTATIVE:**        **Josh Whitehead, Planning Director**  
**REQUEST:**                    **Adopt amendment to the Section 9.7.7H of the  
Memphis and Shelby County Unified Development Code**

This amendment to the Unified Development Code (the “UDC”) will reintroduce language that was in the former Memphis and Shelby County Subdivision Regulations but not carried over into the UDC. Specifically, it identifies the criteria by which the Land Use Control Board and, if appealed, the legislative body(s) follow when rejecting a major subdivision. This item was initiated by the Memphis City Council by a resolution passed on May 5, 2015. The proposed language, indicated below in **bold, underline** type, is based on former Subdivision Regulation Section 403.1D, entitled “General Suitability.” Without this language, the Board and bodies have little authority to reject subdivisions, which calls into question the purpose of holding public hearings on this type of land use request.

9.7.7 H. Approval Criteria

1. A major preliminary plan shall be approved by the Land Use Control Board if it meets the following criteria:
  - a. Conforms with all the provisions and requirements of any plans to be considered (see Chapter 1.9);
  - b. There are adequate public facilities available, to be provided by the applicant or programmed within the five-year capital improvements program of the governing bodies to accommodate the proposed development;
  - c. Conforms with all the applicable provisions and requirements of this development code; and
  - d. Conforms with all the provisions and requirements of other applicable codes and ordinances relating to land development not included in this development code.

**2. This Paragraph shall only apply to proposed subdivisions within the City of Memphis. The LUCB or Memphis City Council may reject a preliminary plan if it is determined that the proposed subdivision is not in keeping with the character of development in the neighborhood. The LUCB or Memphis City Council shall consider the following in the determination of the character of the development in the neighborhood:**

- a. Building setback lines of all principal structures that lie within 500 feet of the proposed subdivision.**
- b. Size and width of all lots within 500 feet of the proposed subdivision.**
- c. Proximity of arterial and connector streets within 500 feet of the proposed subdivision.**
- d. Diversity of land uses within 500 feet of the proposed subdivision.**

**OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION:**

*Approval*