



# *Memphis and Shelby County*

## *Office of Planning and Development*

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

September 8, 2017

The purpose of this memo is to summarize the changes made between various iterations of cases ZTA 17-001 and 17-002.

### **ZTA 17-001**

Changes between the first post (July 12) and the application post (August 7)

1. Item 3 (as numbered in the original July 12 post) dealing with short term rental ordinance removed. All subsequent items moved up in order.
2. Item 3 (as numbered in the August 7 application staff report) dealing with blood plasma donation centers reworded to require Conditional Use Permits rather than Special Use Permits.
3. Item 6 (as numbered in the original July 12 post) dealing with separation between landfills and parks and schools has been removed since an application was filed on August 7 (PD 17-14) that would be directly affected and unduly prejudiced by this proposal. All subsequent items moved up in order.
4. Item 9 (as numbered in the August 7 application staff report) dealing with truck parking on streets that are wholly or partially zoned residential reworded so the prohibition on parking deals with the segment of street zoned residential and not the entire street.
5. New Item 16 (as numbered in the August 7 application staff report) corrects the landscaped buffer drawings.
6. Item 18 (as numbered in the August 7 application staff report) is updated to allow fencing to demarcate the trees to be retained on a timber cutting site (this is specifically Para. 6.1.2B(4) in Item 18).
7. New Item 22 (as numbered in the August 7 application staff report) removes the cross references in the Midtown Overlay to the standard building heights of the UDC since the Midtown Overlay has its own Height Map.

Changes between the application post (August 7) and staff report publication (Sept. 8)

1. New Item 33 inserted that removes language that would indicate recommendations made by the Land Use Control Board can be appealed. These recommendations are forwarded to the Memphis City Council or Shelby County Board of Commissioners as a matter of course with no action required by those aggrieved by the Land Use Control Board's decision. This Item also squares Sub-Section 9.23.1A with Section 9.2.2 with regards to appeals of administrative decisions made pursuant to the Code, Sub-Section 9.23.1C(1) with regards to time frames by which to appeal and Sub-Section 9.23.2A with regards to parties that may appeal decisions by the Land Use Control Board.

### **ZTA 17-002**

Changes between the first post (July 12) and the application post (August 7)

1. Item 4 is revised to replace the Knoxville brightness standards with more universally accepted figures. Most importantly, this change lowers the nighttime brightness from 750 nits to 300 nits.

Changes between the application post (August 7) and staff report publication (Sept. 8)

1. Item 4 is again revised to use foot candles rather than nits based on site visits with both foot candle and nit readings Monday night, August 14, 2017.
2. The paragraph in Item 12 that dealt with adding language to Para. 4.9.15F(1) to allow nonconforming signs to be rebuilt at a location near its original location was removed. Also included in the subject matter of Item 12 of the staff report, the term “any” proposed in Para. 4.9.15F(4) was changed to “all” to require only those signs that completely conform to the Code to convert to digital technology.
3. Item 12 was also amended by adding paragraph numbers to Sub-Section 4.9.15G and adding language at the end of Paragraph (4) clarifying the process by which a resident may petition the Building Official to cite billboards.