#### CITY OF MEMPHIS COUNCIL AGENDA CHECK OFF SHEET

ONE ORIGINAL Planning & Development | ONLY STAPLED | **DIVISION** |TO DOCUMENTS| **Planning & Zoning** COMMITTEE: 01/21/2025 DATE **PUBLIC SESSION:** 02/04/2025 DATE ITEM (CHECK ONE) \_\_ REQUEST FOR PUBLIC HEARING X RESOLUTION ORDINANCE ITEM DESCRIPTION: Resolution pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving a planned development at the subject property located at 3763 Jackson Avenue, known as case number PD 2024-017 **CASE NUMBER:** PD 2024-017 Charles T Rowland Planned Development **DEVELOPMENT:** 3763 Jackson Avenue LOCATION: **COUNCIL DISTRICTS:** District 7 and Super District 9 – Positions 1, 2, and 3 **OWNER/APPLICANT:** Charles & Mary Rowland REPRESENTATIVE: Mike Davis, The Reaves Firm, Inc. New planned development to allow a wholesale retail business **REQUEST:** AREA: The Division of Planning and Development recommended Rejection **RECOMMENDATION:** The Land Use Control Board Recommended Approval RECOMMENDED COUNCIL ACTION: Public Hearing Not Required Hearing – February 04, 2025 **PRIOR ACTION ON ITEM:** <u>(1)</u> APPROVAL - (1) APPROVED (2) DENIED 12/12/2024 DATE (1) Land Use Control Board ORGANIZATION - (1) BOARD / COMMISSION (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE **FUNDING:** REQUIRES CITY EXPENDITURE - (1) YES (2) NO AMOUNT OF EXPENDITURE REVENUE TO BE RECEIVED SOURCE AND AMOUNT OF FUNDS **OPERATING BUDGET** CIP PROJECT # FEDERAL/STATE/OTHER ADMINISTRATIVE APPROVAL: **DATE POSITION** <u>1/13/2025</u> PLANNER \_\_\_\_ DEPUTY ADMINISTRATOR 1/13/2025 ADMINISTRATOR DIRECTOR (JOINT APPROVAL) COMPTROLLER FINANCE DIRECTOR CITY ATTORNEY CHIEF ADMINISTRATIVE OFFICER

**COMMITTEE CHAIRMAN** 



# Memphis City Council Summary Sheet

#### PD 2024-017

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A PLANNED DEVELOPMENT AT THE SUBJECT PROPERTY LOCATED AT 3763 JACKSON AVENUE, KNOWN AS CASE NUMBER PD 2024-017

- This item is a resolution with conditions to allow a wholesale retail business planned development; and
- This resolution, if approved with conditions, will supersede the existing zoning for this property; and
- The item may require future public improvement contracts.

#### LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on *Thursday, December 12, 2024*, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: PD 2024-017

**DEVELOPMENT:** Charles T Rowland Planned Development

**LOCATION:** 3763 Jackson Avenue

**COUNCIL DISTRICT(S):** District 7 and Super District 9 – Positions 1, 2, and 3

OWNER/APPLICANT: Charles & Mary Rowland

**REPRESENTATIVE:** Mike Davis, The Reaves Firm, Inc.

**REQUEST:** New planned development to allow a wholesale retail business

**EXISTING ZONING:** Commercial Mixed – Use 3 (CMU-3)

**AREA:** +/-1.6 acres

The following spoke in support of the application: David Harris and Josh Lawhead

The following spoke in opposition the application: None

The Land Use Control Board reviewed the application and the staff report. A motion was made and seconded to recommend approval.

The motion passed by a vote of 5-4-0 on the regular agenda.

Respectfully,

**Planner** 

Land Use and Development Services
Division of Planning and Development

Cc: Committee Members

Alexis Longstreet

File

# PD 2024-017 CONDITIONS

#### **Outline/General Plan Conditions**

#### I. Uses Permitted:

- A. Any use permitted by right in the Commercial Mixed Use -3 (CMU-3) District.
- B. The following uses are not allowed:
  - 1. Tattoo, palmist, psychic, or medium
  - 2. Hourly Rate Hotel or Motels
  - 3. Outdoor storage within the R-6 portion of the Planned Development (Parcel #062057 0002).
  - 4. Storage using shipping containers.

#### II. Bulk Regulations:

A. The Bulk Regulations of the CMU-3 district shall apply except that the proposed storage building shall have a minimum side yard setback of 30 feet from the south line, 30 feet from the proposed 8-foot-tall wooden fence to the north and minimum setback of 65 feet from its closest point to the east property line.

#### III. Access, Circulation and Parking:

- A. All curb cuts shall remain.
- B. Access to storage building on R-6 lot is restricted to the CMU-3 entrances.
- C. Access to the single-family home shall remain off of Gragg Ave.

#### IV. Landscaping and Screening:

- A. An augmented Class III buffer will be installed on the south side of the R-6 lot east near the residential zoning. This will consist of preserving existing trees and filling in the gaps as needed.
- B. The existing street frontages of Gragg Avenue and Villa Drive in the CMU-3 zoned portion of the planned development known as Parcel #062057 00001 shall be screened by a Class III Buffer at the time of the construction of the proposed warehouse building on Parcel #062057 00002 as follows:
  - 1. Along Gragg Avenue on Parcel #062057 00001 beginning at the existing gate facing Jackson Avenue as shown on the Outline/Final Plat and extending east to Parcel #062057 00002.
  - 2. Along Villa Drive on Parcel #062057 00001 from existing gate facing Jackson Avenue and extending east to Parcel #062057 00002.
- C. Any future expansion of the existing building in the CMU-3 zoned portion of the site or construction of a new building in the CMU-3 zoned portion of the site shall require landscaping improvements along Jackson Avenue.

#### V. Signs:

A. No signage shall be on the R-6 lot. All other signage shall comply with the mixed-use sign requirements.

#### VI. Outdoor Site Lighting:

**A.** Site lighting and parking lot lighting shall be designed to direct lighting away from all residential properties. Parking lot light standards shall be a maximum of twenty (20) feet in height within 200 feet of adjacent residential.

#### VII. Drainage:

- A. A grading and drainage plan for the site shall be submitted to the City Engineer for review and approval prior to recording of the final plat.
- B. Design of the storm water conveyance and management facilities for this project shall be in accordance with the Memphis-Shelby County Storm Water Management Manual. The manual requires on-site detention of storm water run-off generated from the project that exceeds the capacity of the downstream system. Drainage calculations performed in accordance with this

manual shall be submitted verifying that adequate non-buildable areas have been provided for storm water detention facilities.

#### VIII. Building Design

- A. A single story, prefabricated metal building may be built on the R-6 lot in the location shown on the outline plan.
- **IX.** The Land Use Control Board may modify the bulk, access, parking, landscaping, and sign requirements if equivalent alternatives are presented; provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder, may within ten days of such action, file a written appeal to the Zoning Administrator of the Division of Planning and Development, to have such action reviewed by the Memphis City Council.

#### X. Site Plan Review

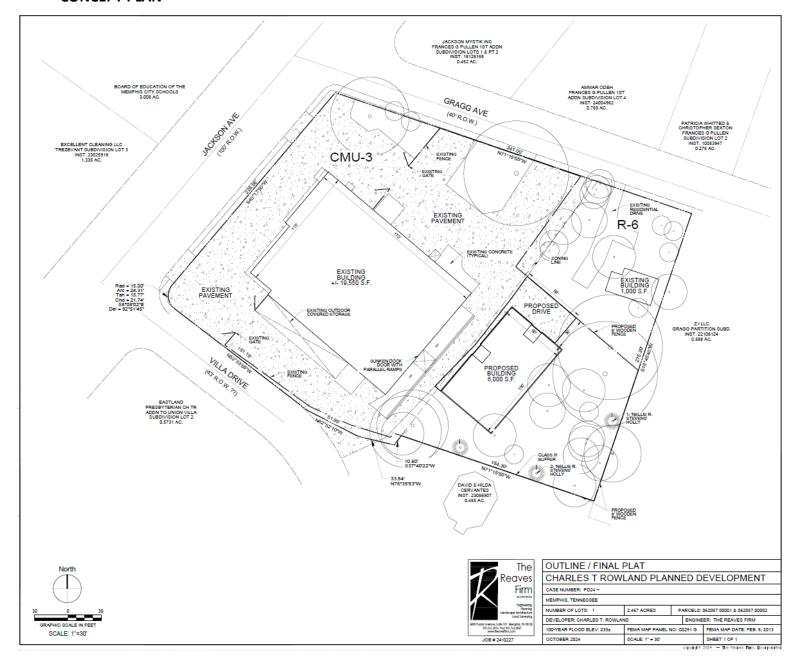
- A. A site plan shall be submitted for review and comment by appropriate governing agencies and the Division of Planning and Development prior to approval of any final plan. Site plan review by the Land Use Control Board shall not be required if the final plat conforms to the site plan approved by the City Council as part of the Planned Development Outline Plan approval.
- B. The site plan shall illustrate the location and dimensions of building footprints, parking lots, private drives, building elevations, landscaping and screening plans.
- C. The site plan shall be reviewed and based upon the following criteria:
  - 1. Conformance with the Outline Plan conditions and the standards and criteria for commercial planned developments contained in the UDC.
  - Adequacy of public facilities (streets, sewers, drainage, etc.)
  - 3. Elements of site design such as building orientation and setback, access and parking, internal vehicular and pedestrian circulation, landscaping and lighting.
  - 4. Building elevations and materials.
- **XI.** A final plan shall be filed within five (5) years of the date of approval of the Outline Plan by the Legislative Bodies. The Land Use Control Board may grant extensions at the request of the applicant.

#### **XII.** Any final plan shall include the following:

- A. The outline plan conditions.
- B. The exact location and dimensions, including lots, buildable areas, pedestrian and utility easements, service drives, parking areas, trash receptacles, loading facilities, and required landscaping and screening areas.
- C. The location and ownership, whether public or private, of any easement.
- D. Specific plans for internal and perimeter landscaping and screening including landscaping of all open space features.
- E. A lighting plan detailing the location, height, style, direction, etc. of all outdoor lighting and a photometric plan shall be submitted for administrative review and approval by the Division of Planning and Development.
- F. A standard improvement contract as defined by Section 5.5.5 of the UDC for any needed public improvements.
- G. A statement conveying all common facilities and areas to a property owner's association or other entity, for ownership and maintenance purposes.
- H. The 100-year flood elevation.
- I. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City and/or County Engineer. The storm water detention systems located in these areas, except for those

parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City and/or County Engineer's Office. Such maintenance shall include, but not be limited to removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.

#### **CONCEPT PLAN**



RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A PLANNED DEVELOPMENT AT THE SUBJECT PROPERTY LOCATED AT 3763 JACKSON AVENUE, KNOWN AS CASE NUMBER PD 2024-017

**WHEREAS,** Chapter 9.6 of the Memphis and Shelby County Unified Development Code, being a section of the Joint Ordinance Resolution No. 5367, dated August 10, 2010, authorizes the Council of the City of Memphis to grant a planned development for certain stated purposes in the various zoning districts; and

**WHEREAS**, the Charles and Mary Rowland filed an application with the Memphis and Shelby County Division of Planning and Development to allow a wholesale retail business planned development; and

WHEREAS, the Division of Planning and Development has received and reviewed the application in accordance with procedures, objectives and standards for planned developments as set forth in Chapter 9.6 with regard to the proposed development's impacts upon surrounding properties, availability of public facilities, both external and internal circulation, land use compatibility, and that the design and amenities are consistent with the public interest; and has submitted its findings and recommendation subject to outline plan conditions concerning the above considerations to the Memphis and Shelby County Land Use Control Board; and

**WHEREAS**, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on December 12, 2024, and said Board has submitted its findings and recommendation subject to outline plan conditions concerning the above considerations to the Council of the City of Memphis; and

**WHEREAS**, the Council of the City of Memphis has reviewed the aforementioned application pursuant to Tennessee Code Annotated Section 13-4-202(B)(2)(B)(iii) and has determined that said development is consistent with the Memphis 3.0 General Plan; and

**WHEREAS**, the Council of the City of Memphis has reviewed the recommendation of the Land Use Control Board and the report and recommendation of the Division of Planning and Development and has determined that said development meets the objectives, standards and criteria for a special use permit, and said development is consistent with the public interests.

NOW, THEREFORE, BE IT RESOLVED, BY THE COUNCIL OF THE CITY OF MEMPHIS, that, pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code, a planned development is hereby granted in accordance with the attached outline plan conditions.

**BE IT FURTHER RESOLVED**, that the requirements of said aforementioned clause of the Unified Development Code shall be deemed to have been complied with; that the outline plan shall bind the applicant, owner, mortgagee, if any, and the legislative body with respect to the contents of said plan; and the applicant and/or owner may file a final plan in accordance with said outline plan and the provisions of Section 9.6.11 of the Unified Development Code.

#### **OUTLINE PLAN CONDITIONS**

#### I. Uses Permitted:

- A. Any use permitted by right in the Commercial Mixed Use -3 (CMU-3) District.
- B. The following uses are not allowed:
  - 1. Tattoo, palmist, psychic, or medium
  - 2. Hourly Rate Hotel or Motels
  - 3. Outdoor storage within the R-6 portion of the Planned Development (Parcel #062057 0002).
  - 4. Storage using shipping containers.

#### **II. Bulk Regulations:**

A. The Bulk Regulations of the CMU-3 district shall apply except that the proposed storage building shall have a minimum side yard setback of 30 feet from the south line, 30 feet from the proposed 8-foot-tall wooden fence to the north and minimum setback of 65 feet from its closest point to the east property line.

# III. Access, Circulation and Parking:

- A. All curb cuts shall remain.
- B. Access to storage building on R-6 lot is restricted to the CMU-3 entrances.
- C. Access to the single-family home shall remain off of Gragg Ave.

## IV. Landscaping and Screening:

- A. An augmented Class III buffer will be installed on the south side of the R-6 lot east near the residential zoning. This will consist of preserving existing trees and filling in the gaps as needed.
- B. The existing street frontages of Gragg Avenue and Villa Drive in the CMU-3 zoned portion of the planned development known as Parcel #062057 00001 shall be screened by a Class III Buffer at the time of the construction of the proposed warehouse building on Parcel #062057 00002 as follows:
  - 1. Along Gragg Avenue on Parcel #062057 00001 beginning at the existing gate facing Jackson Avenue as shown on the Outline/Final Plat and extending east to Parcel #062057 00002.
  - 2. Along Villa Drive on Parcel #062057 00001 from existing gate facing Jackson Avenue and extending east to Parcel #062057 00002.
- C. Any future expansion of the existing building in the CMU-3 zoned portion of the site or construction of a new building in the CMU-3 zoned portion of the site shall require landscaping improvements along Jackson Avenue.

#### V. Signs:

A. No signage shall be on the R-6 lot. All other signage shall comply with the mixed-use sign requirements.

#### VI. Outdoor Site Lighting:

**A.** Site lighting and parking lot lighting shall be designed to direct lighting away from all residential properties. Parking lot light standards shall be a maximum of twenty (20) feet in height within 200 feet of adjacent residential.

## VII. Drainage:

- A. A grading and drainage plan for the site shall be submitted to the City Engineer for review and approval prior to recording of the final plat.
- B. Design of the storm water conveyance and management facilities for this project shall be in accordance with the Memphis-Shelby County Storm Water Management Manual. The manual requires on-site detention of storm water run-off generated from the project that exceeds the capacity of the downstream system. Drainage calculations performed in accordance with this manual shall be submitted verifying that adequate non-buildable areas have been provided for storm water detention facilities.

#### VIII. Building Design

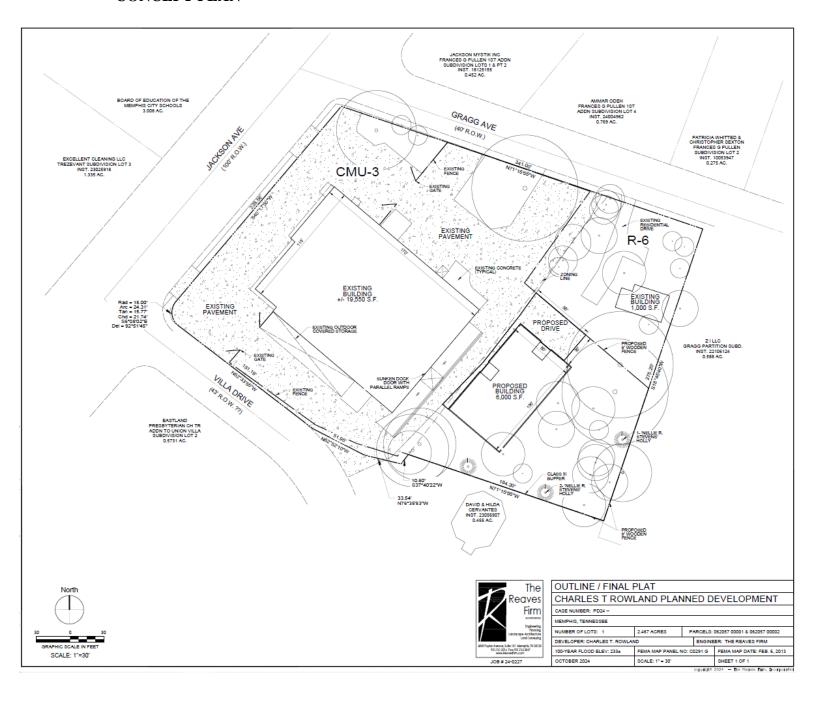
A. A single story, prefabricated metal building may be built on the R-6 lot in the location shown on the outline plan.

**IX.** The Land Use Control Board may modify the bulk, access, parking, landscaping, and sign requirements if equivalent alternatives are presented; provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder, may within ten days of such action, file a written appeal to the Zoning Administrator of the Division of Planning and Development, to have such action reviewed by the Memphis City Council.

#### X. Site Plan Review

- A. A site plan shall be submitted for review and comment by appropriate governing agencies and the Division of Planning and Development prior to approval of any final plan. Site plan review by the Land Use Control Board shall not be required if the final plat conforms to the site plan approved by the City Council as part of the Planned Development Outline Plan approval.
- B. The site plan shall illustrate the location and dimensions of building footprints, parking lots, private drives, building elevations, landscaping and screening plans.
- C. The site plan shall be reviewed and based upon the following criteria:
  - 1. Conformance with the Outline Plan conditions and the standards and criteria for commercial planned developments contained in the UDC.
  - 2. Adequacy of public facilities (streets, sewers, drainage, etc.)
  - 3. Elements of site design such as building orientation and setback, access and parking, internal vehicular and pedestrian circulation, landscaping and lighting.
  - 4. Building elevations and materials.
- **XI.** A final plan shall be filed within five (5) years of the date of approval of the Outline Plan by the Legislative Bodies. The Land Use Control Board may grant extensions at the request of the applicant.
- **XII.** Any final plan shall include the following:
  - A. The outline plan conditions.
  - B. The exact location and dimensions, including lots, buildable areas, pedestrian and utility easements, service drives, parking areas, trash receptacles, loading facilities, and required landscaping and screening areas.
  - C. The location and ownership, whether public or private, of any easement.
  - D. Specific plans for internal and perimeter landscaping and screening including landscaping of all open space features.
  - E. A lighting plan detailing the location, height, style, direction, etc. of all outdoor lighting and a photometric plan shall be submitted for administrative review and approval by the Division of Planning and Development.
  - F. A standard improvement contract as defined by Section 5.5.5 of the UDC for any needed public improvements.
  - G. A statement conveying all common facilities and areas to a property owner's association or other entity, for ownership and maintenance purposes.
  - H. The 100-year flood elevation.
  - I. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City and/or County Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City and/or County Engineer's Office. Such maintenance shall include, but not be limited to removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.

#### **CONCEPT PLAN**



ATTEST:

Division of Planning and Development

- Land Use and Development Services

- Office of Construction Enforcement CC:

# dpd STAFF REPORT

AGENDA ITEM: 4 L.U.C.B. MEETING: December 12, 2024

CASE NUMBER: PD 2024-017

**DEVELOPMENT:** Charles T Rowland Planned Development

**LOCATION:** 3763 Jackson Avenue

**COUNCIL DISTRICT:** District 7 and Super District 9 – Positions 1, 2, and 3

**OWNER/APPLICANT:** Charles & Mary Rowland

**REPRESENTATIVE:** Mike Davis, The Reaves Firm, Inc.

**REQUEST:** New planned development to allow a wholesale retail business

**EXISTING ZONING:** Commercial Mixed – Use 3 (CMU-3)

#### **CONCLUSIONS**

- 1. The property owner of the subject property has operated his existing business within the area since 1972 and has been at the subject property since 2015.
- 2. The proposed property addition to be included in the planned development is currently owned by the subject property owner.
- 3. The applicant is proposing to construct a one-story 6,000 square foot storage facility that will strictly serve the existing commercial business.
- 4. The project will have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.

#### **CONSISTENCY WITH MEMPHIS 3.0**

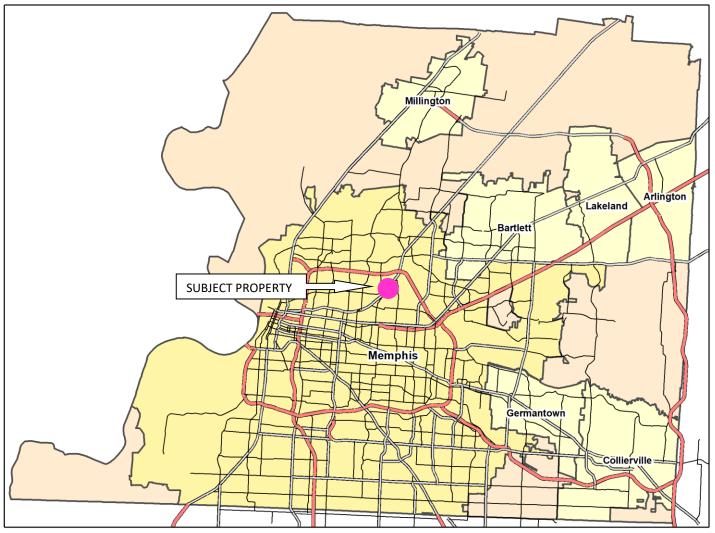
This proposal is inconsistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on pages 24-25 of this report.

#### **RECOMMENDATION:**

Rejection

Staff Writer: Alexis Longstreet E-mail: alexis.longstreet@memphistn.gov

# **LOCATION MAP**



Subject property located within the pink circle

#### **PUBLIC NOTICE VICINITY MAP**



Subject property highlighted in yellow

#### **PUBLIC NOTICE DETAILS**

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signage posted. A total of 60 notices were mailed on October 22, 2024, see page 26 of this report for a copy of said notice. Additionally, three signs were posted at the subject property, see page 27 of this report for a copy of the sign affidavit.

#### **NEIGHBORHOOD MEETING**

The meeting was held at 6:00 PM on Thursday, October 24, 2024, at 3763 Jackson Avenue.

# **AERIAL**



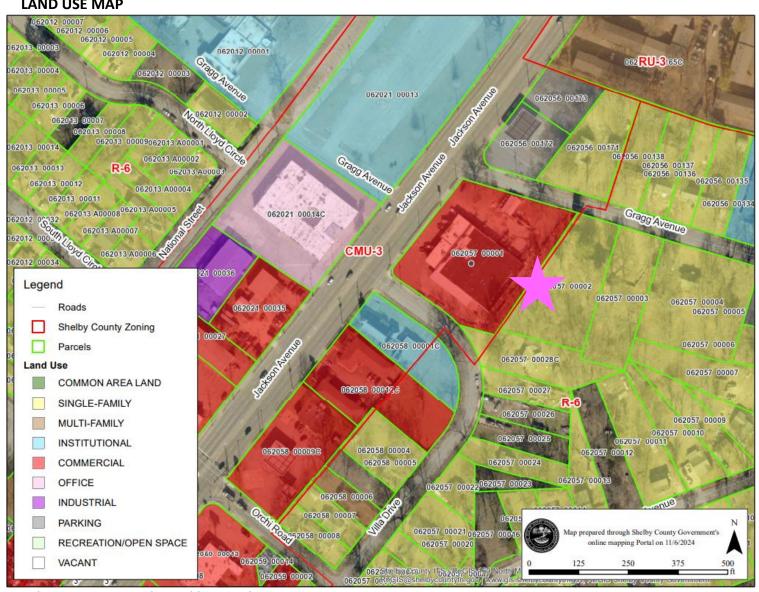
Subject property outlined in yellow, imagery from 2024

#### **ZONING MAP**



Subject property highlighted in yellow

#### **LAND USE MAP**



Subject property indicated by a pink star

# **SITE PHOTOS**



View of subject property from Jackson Avenue looking northeast

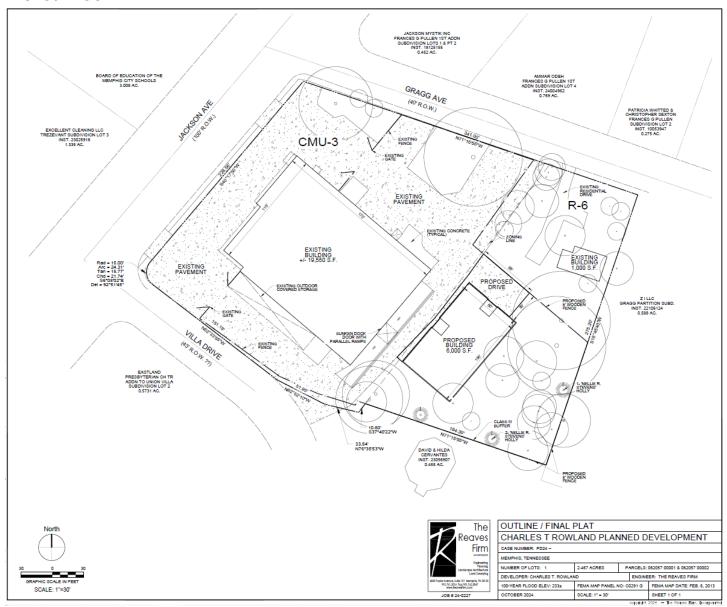


View of subject property from Jackson Avenue looking south

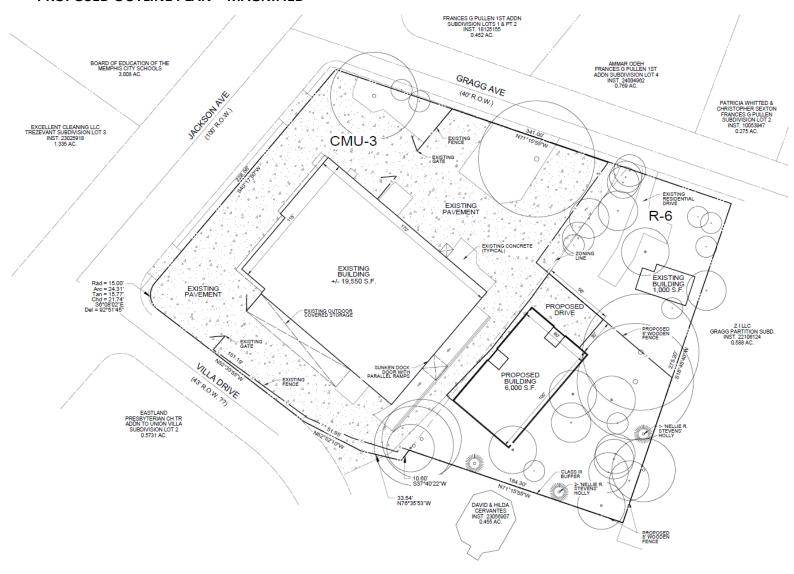


View of subject property from Gragg Avenue looking southwest.

#### **PROPOSED OUTLINE PLAN**



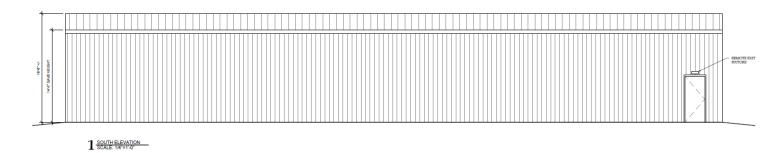
#### **PROPOSED OUTLINE PLAN – MAGNIFIED**

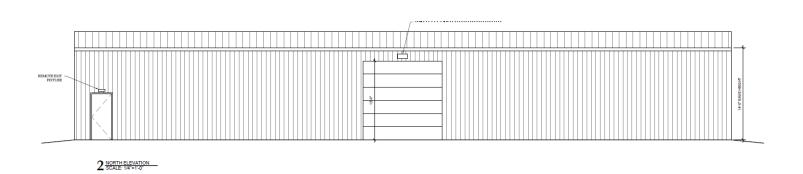


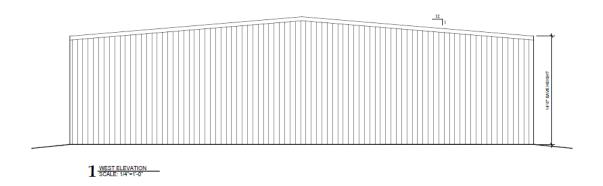
#### PROPOSED LANDSCAPE PLAN

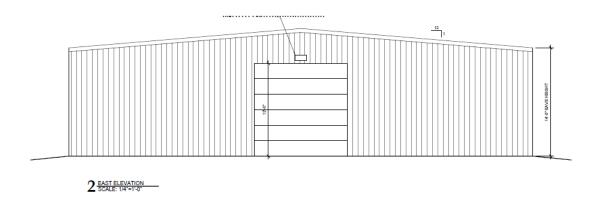


# **ELEVATIONS**









#### **CASE REVIEW**

#### **Request**

The request is a planned development to allow a wholesale retail business.

#### **Applicability**

Staff disagrees the applicability standards and criteria as set out in Section 4.10.2 of the Unified Development Code are or will be met.

#### 4.10.2 Applicability

The governing bodies may, upon proper application, grant a special use permit for a planned development (see Chapter 9.6) for a tract of any size within the City or for tracts of at least three acres in unincorporated Shelby County to facilitate the use of flexible techniques of land development and site design, by providing relief from district requirements designed for conventional developments, and may establish standards and procedures for planned developments in order to obtain one or more of the following objectives:

- A. Environmental design in the development of land that is of a higher quality than is possible under the regulations otherwise applicable to the property.
- B. Diversification in the uses permitted and variation in the relationship of uses, structures, open space and height of structures in developments intended as cohesive, unified projects.
- C. Functional and beneficial uses of open space areas.
- D. Preservation of natural features of a development site.
- E. Creation of a safe and desirable living environment for residential areas characterized by a unified building and site development program.
- F. Rational and economic development in relation to public services.
- G. Efficient and effective traffic circulation, both within and adjacent to the development site, that supports or enhances the approved transportation network.
- H. Creation of a variety of housing compatible with surrounding neighborhoods to provide a greater choice of types of environment and living units.
- I. Revitalization of established commercial centers of integrated design to order to encourage the rehabilitation of such centers in order to meet current market preferences.
- J. Provision in attractive and appropriate locations for business and manufacturing uses in well-designed buildings and provision of opportunities for employment closer to residence with a reduction in travel time from home to work.
- K. Consistency with the Memphis 3.0 General Plan.

#### **General Provisions**

Staff disagrees the general provisions standards and criteria as set out in Section 4.10.3 of the Unified Development Code are or will be met.

#### 4.10.3 General Provisions

The governing bodies may grant a special use permit for a planned development which modifies the applicable district regulations and other regulations of this development code upon written findings and recommendations of the Land Use Control Board and the Zoning Administrator which shall be forwarded pursuant to provisions contained in this Chapter.

A. The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the

current development policies and plans of the City and County.

- B. An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development.
- C. The location and arrangement of the structures, parking areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses, and any part of the proposed development not used for structures, parking and loading areas or access way shall be landscaped or otherwise improved except where natural features are such as to justify preservation.
- D. Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest.
- E. Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements.
- F. Lots of record are created with the recording of a planned development final plan.

#### **Commercial or Industrial Criteria**

Staff disagrees the additional planned commercial or industrial development criteria as set out in Section 4.10.5 of the Unified Development Code are or will be met.

#### 4.10.5 Planned Commercial or Industrial Developments

Approval of a planned commercial or industrial development may be issued by the governing bodies for buildings or premises to be used for the retail sale of merchandise and services, parking areas, office buildings, hotels and motels and similar facilities ordinarily accepted as commercial center uses and those industrial uses which can be reasonably be expected to function in a compatible manner with the other permitted uses in the area. In addition to the applicable standards and criteria set forth in Section 4.10.3, planned commercial or industrial developments shall comply with the following standards:

#### A. Screening

When commercial or industrial structures or uses in a planned commercial or industrial development abut a residential district or permitted residential buildings in the same development, screening may be required by the governing bodies.

#### B. Display of Merchandise

All business, manufacturing and processing shall be conducted, and all merchandise and materials shall be displayed and stored, within a completely enclosed building or within an open area which is completely screened from the view of adjacent properties and public rights-of-way, provided, however, that when an automobile service station or gasoline sales are permitted in a planned commercial development, gasoline may be sold from pumps outside of a structure.

#### C. Accessibility

The site shall be accessible from the proposed street network in the vicinity which will be adequate to carry the anticipated traffic of the proposed development. The streets and driveways on the site of the proposed development shall be adequate to serve the enterprises located in the proposed development.

#### D. Landscaping

Landscaping shall be required to provide screening of objectionable views of uses and the reduction of noise. High-rise buildings shall be located within the development in such a way as to minimize any adverse impact on adjoining low-rise buildings.

#### **Approval Criteria**

Staff disagrees the approval criteria as set out in Section 9.6.9 of the Unified Development Code are being met.

#### 9.6.9 Approval Criteria

No special use permit or planned development shall be approved unless the following findings are made concerning the application:

- A. The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.
- B. The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations.
- C. The project will be served adequately by essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection and emergency services, water and sewers; or that the applicant will provide adequately for such services.
- D. The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic or historic importance.
- E. The project complies with all additional standards imposed on it by any particular provisions authorizing such use.
- F. The request will not adversely affect any plans to be considered (see Chapter 1.9) or violate the character of existing standards for development of the adjacent properties.
- G. The governing bodies may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to ensure compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of this development code.
- H. Any decision to deny a special use permit request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record, per the Telecommunications Act of 1996, 47 USC 332(c)(7)(B)(iii). The review body may not take into account any environmental or health concerns.

#### **Site Details**

Address:

3763 Jackson Avenue

Parcel ID:

062057 00001

Area:

+/-1.6 acres

#### Description:

The subject property is governed by Commercial Mixed Use – 3 (CMU-3) and Single-Family Residential (R-6). Per the Assessor's website, the commercial classified principal structure on the site was built in 1968 and currently is one-story structure with a ground floor area of 20,205 square feet and the surrounding land uses are a mixture of commercial, industrial, institutional and single-family lots. Additionally, this lot has three street frontages: Jackson Avenue, Gragg Avenue and Villa Drive.

An existing single-family home located at 3767 Gragg Avenue is adjacent to the subject property. It is currently being rented by a tenant.

#### **Concept Plan Review**

- The applicant is proposing to utilize the southern portion of the abutting property located at 3767 Gragg Avenue.
- The proposed area in which the 6,000 square foot structure will be located only has access from Jackson Avenue.
- The structure will be set back 30 feet from the proposed fencing to the north.
- The existing 1,000 square foot single-family residential property located at 3767 Gragg Avenue will remain.
- There is proposed 8' wooden fencing to be added to serve as a buffer between the single-family property located on Gragg Avenue and Villa Drive.
- Class III buffers will be implemented south to the abutting single-family residents located on Villa Drive.
- There will be some matured landscaping preserved and some additional 'Nellie R. Stevens' Hollies will also be installed.

#### **Analysis**

Properties within the vicinity located along Jackson Avenue currently have commercial land use designations and are being operated as such. The surrounding land use outside of commercial designations is single-family residential. The applicant has owned and operated his commercial business within this area for 20+ years. The property in which the 6,000 square foot storage building would be located is owned by the subject property owner. The subject property abuts residential zoning, and the expansion of the commercial use will encroach into the residential zoning district.

The project will have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.

#### **RECOMMENDATION**

Staff recommends rejection; however, if approved with the outline plan conditions as follows:

#### **Outline Plan Conditions**

Proposed language is indicated in **bold, underline**; deletions are indicated in **bold strikethrough** 

#### I. Uses Permitted:

- A. Any use permitted by right in the Commercial Mixed Use 3 (CMU-3) District.
- B. The following uses are not allowed:
  - 1. Tattoo, palmist, psychic, or medium
  - 2. Hourly Rate Hotel or Motels
  - 3. Outdoor storage within the R-6 portion of the Planned Development (Parcel #062057 0002).
  - 4. Storage using shipping containers.

#### II. Bulk Regulations:

A. The Bulk Regulations of the CMU-3 district shall apply except that the proposed storage building shall have a minimum side yard setback of 30 feet from the south line, 30 feet from the proposed 8-foot-tall

wooden fence to the north and minimum setback of 65 feet from its closest point to the east property line.

#### III. Access, Circulation and Parking:

- A. All curb cuts shall remain.
- B. Access to storage building on R-6 lot is restricted to the CMU-3 entrances.
- C. Access to the single-family home shall remain off of Gragg Ave.

#### IV. Landscaping and Screening:

- A. An augmented Class III buffer will be installed on the south side of the R-6 lot east near the residential zoning. This will consist of preserving existing trees and filling in the gaps as needed.
- B. The existing street frontages of Gragg Avenue and Villa Drive in the CMU-3 zoned portion of the planned development known as Parcel #062057 00001 shall be screened by a Class III Buffer at the time of the construction of the proposed warehouse building on Parcel #062057 00002 as follows:
  - 1. Along Gragg Avenue on Parcel #062057 00001 beginning at the existing gate facing Jackson Avenue as shown on the Outline/Final Plat and extending east to Parcel #062057 00002.
  - 2. Along Villa Drive on Parcel #062057 00001 from existing gate facing Jackson Avenue and extending east to Parcel #062057 00002.
- C. Any future expansion of the existing building in the CMU-3 zoned portion of the site or construction of a new building in the CMU-3 zoned portion of the site shall require landscaping improvements along Jackson Avenue.

#### V. Signs:

A. No signage shall be on the R-6 lot. All other signage shall comply with the mixed-use sign requirements.

#### VI. Outdoor Site Lighting:

**A.** Site lighting and parking lot lighting shall be designed to direct lighting away from all residential properties. Parking lot light standards shall be a maximum of twenty (20) feet in height within 200 feet of adjacent residential.

#### VII. Drainage:

- A. A grading and drainage plan for the site shall be submitted to the City Engineer for review and approval prior to recording of the final plat.
- B. Design of the storm water conveyance and management facilities for this project shall be in accordance with the Memphis-Shelby County Storm Water Management Manual. The manual requires on-site detention of storm water run-off generated from the project that exceeds the capacity of the downstream system. Drainage calculations performed in accordance with this manual shall be submitted verifying that adequate non-buildable areas have been provided for storm water detention facilities.

#### VIII. Building Design

- A. A single story, prefabricated metal building may be built on the R-6 lot in the location shown on the outline plan.
- **IX.** The Land Use Control Board may modify the bulk, access, parking, landscaping, and sign requirements if equivalent alternatives are presented; provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder, may within ten days of such action, file a written appeal to the Zoning Administrator of the Division of Planning and Development, to have such action reviewed by the Memphis City Council.

#### X. Site Plan Review

A. A site plan shall be submitted for review and comment by appropriate governing agencies and the Division of Planning and Development prior to approval of any final plan. Site plan review by the Land

- Use Control Board shall not be required if the final plat conforms to the site plan approved by the City Council as part of the Planned Development Outline Plan approval.
- B. The site plan shall illustrate the location and dimensions of building footprints, parking lots, private drives, building elevations, landscaping and screening plans.
- C. The site plan shall be reviewed and based upon the following criteria:
  - 1. Conformance with the Outline Plan conditions and the standards and criteria for commercial planned developments contained in the UDC.
  - 2. Adequacy of public facilities (streets, sewers, drainage, etc.)
  - 3. Elements of site design such as building orientation and setback, access and parking, internal vehicular and pedestrian circulation, landscaping and lighting.
  - 4. Building elevations and materials.
- **XI.** A final plan shall be filed within five (5) years of the date of approval of the Outline Plan by the Legislative Bodies. The Land Use Control Board may grant extensions at the request of the applicant.
- **XII.** Any final plan shall include the following:
  - A. The outline plan conditions.
  - B. The exact location and dimensions, including lots, buildable areas, pedestrian and utility easements, service drives, parking areas, trash receptacles, loading facilities, and required landscaping and screening areas.
  - C. The location and ownership, whether public or private, of any easement.
  - D. Specific plans for internal and perimeter landscaping and screening including landscaping of all open space features.
  - E. A lighting plan detailing the location, height, style, direction, etc. of all outdoor lighting and a photometric plan shall be submitted for administrative review and approval by the Division of Planning and Development.
  - F. A standard improvement contract as defined by Section 5.5.5 of the UDC for any needed public improvements.
  - G. A statement conveying all common facilities and areas to a property owner's association or other entity, for ownership and maintenance purposes.
  - H. The 100-year flood elevation.
  - I. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City and/or County Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City and/or County Engineer's Office. Such maintenance shall include, but not be limited to removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.

#### **DEPARTMENTAL COMMENTS**

The following comments were provided by agencies to which this application was referred:

#### **City Engineer:**

1. Standard Public Improvement Contract or Right-Of-Way Permit as required in Section 5.5.5 of the Unified Development Code.

#### **Sewers:**

- 2. City sanitary sewers are available to serve this development.
- 3. If the lot will be subdivided into two or more additional lots or buildings within the lot, the additions must have their own service connection.
- 4. A sanitary sewer service connection plan is required to be submitted (via 901 portal) to the City Land Development Office for review and approval.
- 5. All required design plans and potential traffic control plan must be prepared in accordance with the City's Standard Requirements and must be stamped by a Professional Engineer registered in the State of Tennessee.
- 6. A Sewer Development fee may be required per the City of Memphis Sewer Use Ordinance.
- 7. All sewer connections must be designed and installed by the developer. This service is no longer offered by the Public Works Division.

#### **Roads:**

- 8. The Developer shall be responsible for the repair and/or replacement of all existing curb and gutter along the frontage of this site as necessary.
- All existing sidewalks and curb openings along the frontage of this site shall be inspected for ADA
  compliance. The developer shall be responsible for any reconstruction or repair necessary to meet City
  standards.

#### **Traffic Control Provisions:**

- 10. The developer shall provide a traffic control plan to the city engineer that shows the phasing for each street frontage during demolition and construction of curb gutter and sidewalk. Upon completion of sidewalk and curb and gutter improvements, a minimum 5 foot wide pedestrian pathway shall be provided throughout the remainder of the project. In the event that the existing right of way width does not allow for a 5 foot clear pedestrian path, an exception may be considered.
- 11. Any closure of the right of way shall be time limited to the active demolition and construction of sidewalks and curb and gutter. Continuous unwarranted closure of the right of way shall not be allowed for the duration of the project. The developer shall provide on the traffic control plan, the time needed per phase to complete that portion of the work. Time limits will begin on the day of closure and will be monitored by the Engineering construction inspectors on the job.
- 12. The developer's engineer shall submit a <u>Trip Generation Report</u> that documents the proposed land use, scope and anticipated traffic demand associated with the proposed development. A detailed Traffic Impact Study will be required when the accepted Trip Generation Report indicates that the number for projected trips meets or exceeds the criteria listed in Section 210-Traffic Impact Policy for Land Development of the City of Memphis Division of Engineering Design and Policy Review Manual. Any required Traffic Impact Study will need to be formally approved by the City of Memphis, Traffic Engineering Department.

#### **Curb Cuts/Access:**

- 13. The City Engineer shall approve the design, number, and location of curb cuts.
- 14. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter, and sidewalk.

#### **Drainage:**

- 15. A grading and drainage plan for the site shall be submitted to the City Engineer for review and approval prior to recording of the final plat.
- 16. Drainage improvements, including possible on-site detention, shall be provided under a Standard Subdivision contract in accordance with Unified Development Code and the City of Memphis/Shelby County Storm Water Management Manual.
- 17. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.
- 18. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City and/or County Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City and/or County Engineer's Office. Such maintenance shall include, but not be limited to removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.
- 19. The developer should be aware of his obligation under 40 CFR 122.26(b)(14) and TCA 69-3-101 et. seq. to submit a Notice of Intent (NOI) to the Tennessee Division of Water Pollution Control to address the discharge of storm water associated with the clearing and grading activity on this site.

#### **General Notes:**

- 20. Development is greater than 1 acre and is located within a sensitive drainage basin.
- 21. No other utilities or services may occupy sanitary sewer easements in private drives and yards except for crossings.
- 22. All connections to the sewer shall be at manholes only.
- 23. All commons, open areas, lakes, drainage detention facilities, private streets, private sewers and private drainage systems shall be owned and maintained by a Property Owner's Association. A statement to this effect shall appear on the final plat.
- 24. Required landscaping shall not be placed on sewer or drainage easements.

#### **City Fire Division:**

All design and construction shall comply with the 2021 edition of the International Fire Code (as locally amended) and referenced standards.

- · Fire apparatus access shall comply with section 503.
- · Where security gates are installed that affect required fire apparatus access roads, they shall comply with section 503.6 (as amended).
- · Fire protection water supplies (including fire hydrants) shall comply with section 507.
- · Where fire apparatus access roads or a water supply for fire protection are required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except when approved alternate methods of protection are provided.
- · IFC 510 In-building two-way emergency responder communication coverage shall be provided in all new and existing buildings. Buildings and structures that cannot support the required level of coverage shall be equipped with systems and components to enhance signals and achieve the required level of communication coverage.
- · A detailed plans review will be conducted by the Memphis Fire Prevention Bureau upon receipt of complete construction documents. Plans shall be submitted to the Shelby County Office of Code Enforcement.

Staff Report PD 2024-0017

December 12, 2024 Page 23

City Real Estate:

County Health Department:

Shelby County Schools:

Construction Code Enforcement:

Memphis Light, Gas and Water:

Office of Sustainability and Resilience:

No comments received.

No comments received.

No comments received.

**Office of Comprehensive Planning:** See pages 25-24.

#### Comprehensive Planning Review of Memphis 3.0 Consistency

This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: <u>PD 2024-017: Jackson/North</u>

Site Address/Location: 3763 JACKSON AVE

Overlay District/Historic District/Flood Zone: Not in any Overlay District, Flood Zone or Historic District

**Future Land Use Designation: Primarily Single-Unit Neighborhood (NS)** 

Street Type: N/A

The applicant is seeking approval for a PD in an R-6 zone to build a storage facility. The following information about the land use designation can be found on pages 76 - 122:





Red polygon indicates the application site on the Future Land Use Map.

#### 2. Land Use Description/Intent

Primarily Single-Unit Neighborhood (NS) are residential neighborhoods consisting primarily of single-unit houses that are not near a Community Anchor. Graphic portrayal of NS is to the right.



"NS" Form & Location Characteristics

Primarily detached, House scale buildings, primarily residential, 1-3 stories: Beyond  $\frac{1}{2}$  mile from a Community Anchor

#### "NS" Zoning Notes

Generally compatible with the following zone districts: R-E, R-15, R-10, R-8, R-6 in accordance with Form and

characteristics listed above.

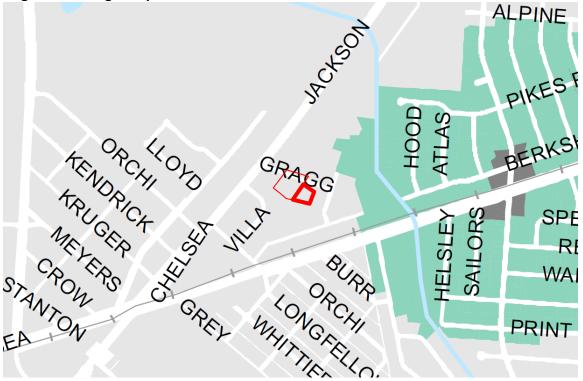
**Existing, Adjacent Land Use and Zoning** 

Existing Land Use and Zoning: Single-Family, R-6

Adjacent Land Use and Zoning: Single-Family, Commercial, Institutional, and Office, CMU-1, CMU-2, R-10, RU-3 and RW

Overall Compatibility: This requested use is not compatible with the future land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning.

**Degree of Change Map** 



Red polygon denotes the proposed site on the Degree of Change Map. There is no Degree of Change.

- 3. Degree of Change Description: N/A
- 4. Objectives/Actions Consistent with Goal 1, Complete, Cohesive, Communities: N/A
- 5. Pertinent Sections of Memphis 3.0 that Address Land Use Recommendations: N/A

#### **Consistency Analysis Summary**

The applicant is seeking approval for a PD in an R-6 zone to build a storage facility.

This requested use is not compatible with the future land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning.

Based on the information provided, the proposal is <u>NOT CONSISTENT</u> with the Memphis 3.0 Comprehensive Plan.

Summary Compiled by: Romana Haque Suravi, Comprehensive Planning.

#### **MAILED PUBLIC NOTICE**

## NOTICE OF PUBLIC HEARING

You have received this notice because you own or reside on a property that is near the site of a development application to be considered at an upcoming public hearing of the Memphis and Shelby County Land Use Control Board. You are not required to attend this hearing, but you are invited to do so if you wish to speak for or against this application. You may also submit a letter of comment to the staff planner listed below no later than Wednesday, November 6, 2024 at 8 AM.

CASE NUMBER: PD 2024-017

ADDRESS: 3763 Jackson Avenue

REQUEST: Planned Development: Wholesale retail business

APPLICANT: Charles Terry Rowland,

**Meeting Details** 

Location: Council Chambers Time: 9:00 AM

City Hall 1st Floor

125 N Main St. Date: Thursday, Nov. 14, 2024

# MEMPHIS AND DIVISION OF PLANNING SHELBY COUNTY AND DEVELOPMENT

#### VICINITY MAP



#### Staff Planner Contact:

Alexis Longstreet

☑ alexis.longstreet@memphistn.gov

(901) 636-7120

To learn more about this proposal, contact the staff planner or use the QR code to view the full application.



69 Notices Mailed 10/22/2024

#### **SIGN AFFIDAVIT**

#### AFFIDAVIT

Shelby County State of Tennessee I, Charics T Rowcant being duly sworn, depose and say that at 8:30 am/pm on the 31 ST day of OcTober 2, 20 24, I posted 3 Public Notice Sign(s) pertaining to Case No. PD 2024-0017 at 3763 Jackson Ave (2) and 3767 Gragg Ave (1) providing notice of a Public Hearing before the (check one): X Land Use Control Board Board of Adjustment Memphis City Council Shelby County Board of Commissioners for consideration of a proposed land use action, a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto. Owner, Applicant or Representative Subscribed and sworn to before me this 31 day of bctow My commission expires: EUMWY 17001

#### **APPLICATION**



## Memphis and Shelby County Division of Planning and Development

East Service Center: 6465 Mullins Station Rd; Memphis,

Tennessee 38134

Downtown Service Center: 125 N. Main Street;

Memphis, Tennessee 38103

website: www.develop901.com

#### Record Summary for Planned Development

Record Detail Information

Record Type: Planned Development Record Status: Pending

Opened Date: October 9, 2024

Record Number: PD 2024-017 Expiration Date:

Record Name: Charles T Rowland Planned Development

Description of Work: On behalf of Charles Terry Rowland, owner of Building Materials on Jackson, a wholesale/retail business, we are pleased to submit the attached planned development application. Mr. Rowland owns several properties on both sides of Jackson Avenue and wishes to consolidate his inventory of windows, cabinets, flooring and other materials into his primary business at 3763 Jackson, currently zoned CMU-3. He has been in business in this neighborhood since 1969, across the street since 1972, and at this location since 2015.

Parent Record Number:

#### Address:

3763 JACKSON AVE, MEMPHIS 38108

#### Owner Information

Primary Owner Name

Y ROWLAND CHARLES & MARY E

Owner Address Owner Phone

9044 FREEMAN OAKS CV, CORDOVA, TN 38018

#### Parcel Information

062057 00001

#### Data Fields

PREAPPLICATION MEETING

Name of DPD Planner
Date of Meeting
Pre-application Meeting Type
GENERAL PROJECT INFORMATION

Alexis Longstreet 10/07/2024 In Person

Planned Development Type New Planned Development (PD)

Page 1 of 4 PD 2024-017

#### GENERAL PROJECT INFORMATION

Previous Docket / Case Number Medical Overlay / Uptown

If this development is located in unincorporated Shelby County, is the tract at least three acres? (Note a tract of less than three acres is not eligible for a planned development in unincorporated Shelby County)

Is this application in response to a citation, stop

work order, or zoning letter

If yes, please provide a copy of the citation, stop work order, and/or zoning letter along with any other relevant information

UDC Sub-Section 9.6.9A

UDC Sub-Section 9.6.9B

UDC Sub-Section 9.6.9C

UDC Sub-Section 9.6.9D

UDC Sub-Section 9.6.9E UDC Sub-Section 9.6.9F GENERAL PROVISIONS

UDC Sub-Section 4.10.3A

BOA 1968-012-CI

No N/A

No

-

The proposed storage building and associated loading area will be accessed from the existing commercial property, so it will not impact traffic flow or parking on Gragg and Villa. As a storage facility, the proposed structure will have minimal impact on existing utilities and will create no health and safety issues for the surrounding properties.

The proposed plan will retain the single-family home currently facing Gragg Avenue on the R-6 zoned portion of the PD. The proposed storage building will be placed behind the existing residential structure, will be situated to allow numerous mature trees to remain and will be surrounded by a site-proof wooden fence, so it will have a low visual impact on adjacent properties. The vacant parcel to the east of the planned development is a dilapidated single-family structure. North of the Building Materials on Jackson is a vacant gas station and to the south is vacant property. The existing facility faces Jackson Avenue, an intense commercial

The proposed plan development is surrounded by fully improved public streets and has immediate access to all public utilities.

There are no significant natural, scenic or historical features within the proposed planned development. Most of the mature vegetation on the property will

The project complies with code.

Correct.

Correct.

Page 2 of 4 PD 2024-017

#### GENERAL PROVISIONS

 B) An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development C) The location and arrangement of the structures, parking and loading areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses, and any part of the proposed development not used for such facilities shall be landscaped or otherwise improved except where natural features are such as to justify preservation D) Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest E) Homeowners' associations or some other

E) Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements

F) Lots of record are created with the recording of a planned development final plan GIS INFORMATION

Case Layer
Central Business Improvement District
Class
Downtown Fire District
Historic District
Land Use
Municipality
Overlay/Special Purpose District
Zoning
State Route
Lot
Subdivision

Contact Information

City Council District City Council Super District

Planned Development District Wellhead Protection Overlay District

County Commission District

MLGW water, City of Memphis public sewer and City of Memphis public drainage facilities are immediately available to the site.

All proposed site elements have been carefully located to minimize impacts to adjacent properties. Outdoor lighting associates with the proposed site improvements will not spill over to adjacent properties. Most of the existing mature trees within the PD will be preserved and additional fencing/landscape buffering will be implemented.

Correct.

Correct.

Correct.

Page 3 of 4 PD 2024-017

Name CHARLES TERRY ROWLAND

Contact Type

APPLICANT

Address

9044 FREEMAN OAKS CV, CORDOVA, TN, CORDOVA, TN, 38018

Phone

Name GREG BARTLETT

Contact Type

ARCHITECT / ENGINEER /

SURVEYOR

Address 6800 POPLAR AVE,

Phone (901)761-2016

Name CHARLES TERRY ROWLAND

Contact Type

PROPERTY OWNER OF

RECORD

Address 9044 FREEMAN OAKS CV, CORDOVA, TN, CORDOVA, TN, 38018

Phone

(901)761-2016

Name MIKE DAVIS Contact Type

REPRESENTATIVE

Address

Phone

(901)761-2016

Fee Information

r ee information								
	Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed	
	1599083	Credit Card Use Fee (.026	1	39.00	INVOICED	0.00	10/11/2024	
		x fee)						
	1599083	Planned Development - 5	1	1,500.00	INVOICED	0.00	10/11/2024	
		acree or leee						

acres or less

Total Fee Invoiced: \$1,539.00 Total Balance: \$0.00

Payment Information

Payment Amount \$1,539.00

Method of Payment Credit Card

PD 2024-017 Page 4 of 4

#### **OWNER AFFIDAVIT**



City Hall - 125 N. Main Street, Suite 468 - Memphis, Tennessee 38103 - (901) 636-6619

#### Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

OWNER: Includes the holder of legal title as well as holders of any equitable interest, such as trust beneficiaries, contract purchasers, option holders, lessees under leases having an unexpired term of at least ten years, and the like. Whenever a statement of ownership is required by the Memphis and Shelby County Unified Development Code, full

disclosure of all legal and equitable interest in the property is required. Memphis and Shelby County Unified
Development Code Section 12.3.1.
I, Charles T Rowano Charles Found, state that I have read the definition of (Print Name)
"Owner" as outlined in the Memphis and Shelby County Unified Development Code Section 12.3.1 and hereby state
that (select applicable box):
I am the owner of record as shown on the current tax rolls of the county Assessor of Property; the mortgage
holder of record as shown in the mortgage records of the county Register of Deeds; purchaser under a land
contract; a mortgagee or vendee in possession; or I have a freehold or lesser estate in the premises
I have charge, care or control of the premises as trustee, agent, executor, administrator, assignee, receiver, guardian or lessee (and have included documentation with this affidavit)
of the property located at 3763 Jackson Ave & 3767 Gragg Ave
and further identified by Assessor's Parcel Number <u>062057 00001 &amp; 062057 00002</u> ,
for which an application is being made to the Division of Planning and Development.
Subscribed and sworn to (or affirmed) before procuries TINE 00 day of October in the year of 202.4
Signature of Notary Public  9-8-27  My Commission Expires
COUNTY

#### LETTER OF INTENT



October 11, 2024

Mr. Brett Ragsdale Zoning Administrator Division of Planning and Development 125 N. Main, Ste. 477 Memphis, TN 38103

RE: 3763 Jackson Planned Development-2.47 Acres

Dear Brett,

On behalf of Charles Terry Rowland, owner of Building Materials on Jackson, a wholesale/retail business, we are pleased to submit the attached planned development application. Mr. Rowland owns several properties on both sides of Jackson Avenue and wishes to consolidate his inventory of windows, cabinets, flooring and other materials into his primary business at 3763 Jackson, currently zoned CMU-3. He has been in business in this neighborhood since 1969, across the street since 1972, and at this location since 2015.

To accomplish his goal, we propose to create the Charles T Rowland Planned Development that will combine his primary business location with an adjacent residential (R-6) lot at 3767 Gragg Avenue, also owned by Mr. Rowland. A 6,000-sf single-story storage facility will be constructed on the R-6 lot immediately behind the current business. The existing home and tenant will remain on the R-6 lot facing Gragg and separated from the proposed storage facility by a site-proof wooden fence. Proposed paving to serve the new building will be an extension of the existing paving around the Building Material of Jackson facility, so no new curb cuts will be constructed on Gragg Avenue or Villa Road. Most of the mature trees on the R-6 lot will be preserved. We believe the proposed improvements will have minimal impact on the surrounding neighborhood.

Building Materials on Jackson is considered a neighborhood anchor. Mr. Rowland sells to small contractors and do-it-yourselfers in an economically depressed neighborhood. He has seven employees, generates \$135,000 in city and county taxes per year and is intent on growing his business.

We would appreciate a staff recommendation for approval. Please do not hesitate to contact our design team if there are questions or if you need additional information.

Sincerely,

Mike Davis, R.L.A.

Make Jun.

Principal

6800 Poplar Avenue, Suite 101 Memphis, TN 38138 T. 901.761.2016 / F. 901.763.2847

Staff Report PD 2024-0017 December 12, 2024 Page 34

### **LETTERS RECEIVED**

No letters received at the time of completion of this report.



## Memphis and Shelby County Division of Planning and Development

East Service Center: 6465 Mullins Station Rd; Memphis,

Tennessee 38134

Downtown Service Center: 125 N. Main Street;

Memphis, Tennessee 38103

website: www.develop901.com

## **Record Summary for Planned Development**

**Record Detail Information** 

Record Type: Planned Development Record Status: Pending

Opened Date: October 9, 2024

Record Number: PD 2024-017 Expiration Date:

Record Name: Charles T Rowland Planned Development

Description of Work: On behalf of Charles Terry Rowland, owner of Building Materials on Jackson, a wholesale/retail business, we are pleased to submit the attached planned development application. Mr. Rowland owns several properties on both sides of Jackson Avenue and wishes to consolidate his inventory of windows, cabinets, flooring and other materials into his primary business at 3763 Jackson, currently zoned CMU-3. He has been in business in this neighborhood since 1969, across the street since 1972, and at this location since 2015.

#### **Parent Record Number:**

#### Address:

3763 JACKSON AVE, MEMPHIS 38108

#### **Owner Information**

Primary Owner Name

Y ROWLAND CHARLES & MARY E

Owner Address Owner Phone

9044 FREEMAN OAKS CV, CORDOVA, TN 38018

#### **Parcel Information**

062057 00001

#### **Data Fields**

PREAPPLICATION MEETING

Name of DPD Planner Date of Meeting

Pre-application Meeting Type GENERAL PROJECT INFORMATION

Planned Development Type

Alexis Longstreet 10/07/2024 In Person

New Planned Development (PD)

Page 1 of 4 PD 2024-017

#### **GENERAL PROJECT INFORMATION**

Previous Docket / Case Number
Medical Overlay / Uptown
If this development is located in unincorporated
Shelby County, is the tract at least three acres?
(Note a tract of less than three acres is not
eligible for a planned development in
unincorporated Shelby County)
Is this application in response to a citation, stop
work order, or zoning letter
If yes, please provide a copy of the citation, stop
work order, and/or zoning letter along with any

BOA\_1968-012-CI

No N/A

No

-

UDC Sub-Section 9.6.9A

**APPROVAL CRITERIA** 

other relevant information

ODC Sub-Section 9.0.9A

UDC Sub-Section 9.6.9B

UDC Sub-Section 9.6.9C

UDC Sub-Section 9.6.9D

UDC Sub-Section 9.6.9E
UDC Sub-Section 9.6.9F
GENERAL PROVISIONS

UDC Sub-Section 4.10.3A

The proposed storage building and associated loading area will be accessed from the existing commercial property, so it will not impact traffic flow or parking on Gragg and Villa. As a storage facility, the proposed structure will have minimal impact on existing utilities and will create no health and safety issues for the surrounding properties.

The proposed plan will retain the single-family home currently facing Gragg Avenue on the R-6 zoned portion of the PD. The proposed storage building will be placed behind the existing residential structure, will be situated to allow numerous mature trees to remain and will be surrounded by a site-proof wooden fence, so it will have a low visual impact on adjacent properties. The vacant parcel to the east of the planned development is a dilapidated single-family structure. North of the Building Materials on Jackson is a vacant gas station and to the south is vacant property. The existing facility faces Jackson Avenue, an intense commercial corridor.

The proposed plan development is surrounded by fully improved public streets and has immediate access to all public utilities.

There are no significant natural, scenic or historical features within the proposed planned development. Most of the mature vegetation on the property will remain.

The project complies with code.

Correct.

Correct.

Page 2 of 4 PD 2024-017

#### **GENERAL PROVISIONS**

B) An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development C) The location and arrangement of the structures, parking and loading areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses, and any part of the proposed development not used for such facilities shall be landscaped or otherwise improved except where natural features are such as to justify preservation

D) Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest

E) Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements

F) Lots of record are created with the recording of a planned development final plan GIS INFORMATION

Case Layer
Central Business Improvement District
Class

Downtown Fire District Historic District Land Use

Overlay/Special Purpose District

Zoning State Route

Municipality

Lot

Subdivision
Planned Development District

Wellhead Protection Overlay District County Commission District

City Council District
City Council Super District

City Council Super District

Contact Information

MLGW water, City of Memphis public sewer and City of Memphis public drainage facilities are immediately available to the site.

All proposed site elements have been carefully located to minimize impacts to adjacent properties. Outdoor lighting associates with the proposed site improvements will not spill over to adjacent properties. Most of the existing mature trees within the PD will be preserved and additional fencing/landscape buffering will be implemented.

Correct.

Correct.

Correct.

No

-

No -

-

-

-

\_

-

No

-

Page 3 of 4 PD 2024-017

Name

CHARLES TERRY ROWLAND

**Contact Type** 

**APPLICANT** 

Address

9044 FREEMAN OAKS CV, CORDOVA, TN, CORDOVA, TN, 38018

**Phone** 

Name

**GREG BARTLETT** 

**Address** 

6800 POPLAR AVE,

Phone

(901)761-2016

Name

CHARLES TERRY ROWLAND

Address

9044 FREEMAN OAKS CV, CORDOVA, TN, CORDOVA, TN, 38018

Phone

(901)761-2016

Name

MIKE DAVIS

Address

Phone

(901)761-2016

**Contact Type** 

ARCHITECT / ENGINEER /

**SURVEYOR** 

**Contact Type** 

Jontage Type

PROPERTY OWNER OF

RECORD

**Contact Type** 

REPRESENTATIVE

**Fee Information** 

Invoice # Fee Item Quantity Fees **Status** Balance Date Assessed 1599083 Credit Card Use Fee (.026 1 39.00 **INVOICED** 0.00 10/11/2024 x fee) 10/11/2024 1599083 Planned Development - 5 1 1,500.00 **INVOICED** 0.00

acres or less

Total Fee Invoiced: \$1,539.00

Total Balance: \$0.00

**Payment Information** 

Payment Amount Method of Payment \$1,539.00 Credit Card

Page 4 of 4 PD 2024-017



City Hall - 125 N. Main Street, Suite 468 - Memphis, Tennessee 38103 - (901) 636-6619

#### **Property Owner's Affidavit**

Memphis and Shelby County Unified Development Code Section 12.3.1

Signature of Notary Public

OWNER: Includes the holder of legal title as well as holders of any equitable interest, such as trust beneficiaries, contract purchasers, option holders, lessees under leases having an unexpired term of at least ten years, and the like. Whenever a statement of ownership is required by the Memphis and Shelby County Unified Development Code, full disclosure of all legal and equitable interest in the property is required. Memphis and Shelby County Unified Development Code Section 12.3.1. (Print Name) (Sign Name) , state that I have read the definition of "Owner" as outlined in the Memphis and Shelby County Unified Development Code Section 12.3.1 and hereby state that (select applicable box): I am the owner of record as shown on the current tax rolls of the county Assessor of Property; the mortgage holder of record as shown in the mortgage records of the county Register of Deeds; purchaser under a land contract; a mortgagee or vendee in possession; or I have a freehold or lesser estate in the premises I have charge, care or control of the premises as trustee, agent, executor, administrator, assignee, receiver, guardian or lessee (and have included documentation with this affidavit) of the property located at 3763 Jackson Ave & 3767 Gragg Ave and further identified by Assessor's Parcel Number 062057 00001 & 062057 00002 for which an application is being made to the Division of Planning and Development. 10 day of October in the year of 202.4 Subscribed and sworn to (or affirmed) before methods TINE



October 11, 2024

Mr. Brett Ragsdale Zoning Administrator Division of Planning and Development 125 N. Main, Ste. 477 Memphis, TN 38103

RE: 3763 Jackson Planned Development-2.47 Acres

Dear Brett,

On behalf of Charles Terry Rowland, owner of Building Materials on Jackson, a wholesale/retail business, we are pleased to submit the attached planned development application. Mr. Rowland owns several properties on both sides of Jackson Avenue and wishes to consolidate his inventory of windows, cabinets, flooring and other materials into his primary business at 3763 Jackson, currently zoned CMU-3. He has been in business in this neighborhood since 1969, across the street since 1972, and at this location since 2015.

To accomplish his goal, we propose to create the Charles T Rowland Planned Development that will combine his primary business location with an adjacent residential (R-6) lot at 3767 Gragg Avenue, also owned by Mr. Rowland. A 6,000-sf single-story storage facility will be constructed on the R-6 lot immediately behind the current business. The existing home and tenant will remain on the R-6 lot facing Gragg and separated from the proposed storage facility by a site-proof wooden fence. Proposed paving to serve the new building will be an extension of the existing paving around the Building Material of Jackson facility, so no new curb cuts will be constructed on Gragg Avenue or Villa Road. Most of the mature trees on the R-6 lot will be preserved. We believe the proposed improvements will have minimal impact on the surrounding neighborhood.

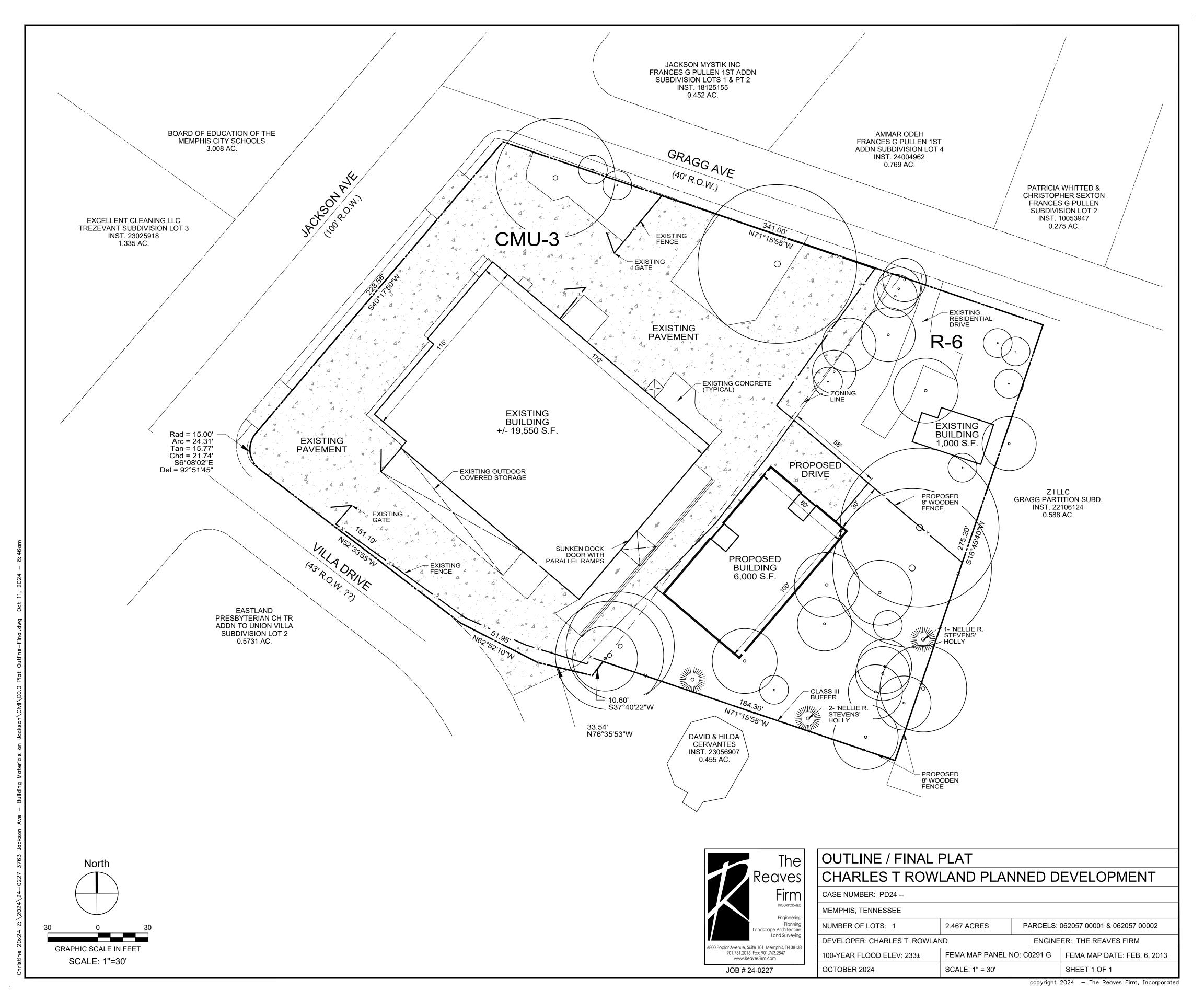
Building Materials on Jackson is considered a neighborhood anchor. Mr. Rowland sells to small contractors and do-it-yourselfers in an economically depressed neighborhood. He has seven employees, generates \$135,000 in city and county taxes per year and is intent on growing his business.

We would appreciate a staff recommendation for approval. Please do not hesitate to contact our design team if there are questions or if you need additional information.

Sincerely,

Mike Davis, R.L.A.

Principal



SUSAN STOUT, AIA REMOTE EXIT FIXTURE SOUTH ELEVATION
SCALE: 1/4"=1'-0" \_ 90° TURNDOWN FIXTURE REMOTE EXIT -FIXTURE Project Number: 2 NORTH ELEVATION SCALE: 1/4"=1'-0"

SUSAN STOUT ARCHITECT, LLC 6655 AUTUMN OAKS DR. OLIVE BRANCH, MS 38654 901.598.2321 sstoutarch@yahoo.com



SAGG AVE. 3767 GRAMEMPHIS,

**ELEVATIONS** 

Gary Murphy

24048

July 10, 2024

WEST ELEVATION
SCALE: 1/4"=1'-0" 90° TURNDOWN FIXTURE — 2 EAST ELEVATION SCALE: 1/4"=1'-0"

SUSAN STOUT ARCHITECT, LLC

6655 AUTUMN OAKS DR.
OLIVE BRANCH, MS 38654
901.598.2321
sstoutarch@yahoo.com

SUSAN STOUT, AIA



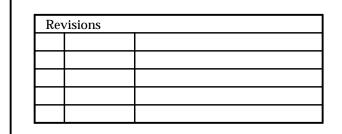
3767 GRAGG AVE.
MEMPHIS, TENNESSEE

**ELEVATIONS** 

Client: Gary Murphy

Project Number: 2404

Date: July 10, 2024



A2.2



As evidenced by the instrument number shown below, this document has been recorded as a permanent record in the archives of the Office of the Shelby County Register.

# 14129359

12/24/2014	- 09:19 AM
7 PGS	
CHRIS	1283266 - 14129359
VALUE	175000.00
MORTGAGE TAX	0.00
TRANSFER TAX	647.50
RECORDING FEE	35.00
DP FEE	2.00
REGISTER'S FEE	1.00
WALK THRU FEE	0.00
TOTAL AMOUNT	685.50

#### TOM LEATHERWOOD

REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

This Document Was Prepared By:

Orrick, Herrington & Sutcliffe, LLP 777 South Figueroa Street, Suite 3200 Los Angeles, California 90017

Attention: Dennis Martin, Esq.

NUME + ADDRESS NEW OWNER: Charles Kowland and After Recording, Mail To:

MARY E. ROWLAND

Olive Branch, Mississippi 38654 Attention: Mr. Charles Rowland

Olive Branch, Mississippi 38654 Attention: Mr. Charles Rowland

Send Subsequent Tax Bills To: Charles Rowland and Mary E. Rowland

Map 062-057-00001

#### SPECIAL WARRANTY DEED

As of this 19th day of December, 2014, NATIONAL BAKERY INDUSTRIAL OWNER, LLC, a Delaware limited liability company, GRANTOR, whose address is 11111 Santa Monica Boulevard, Suite 1100, Los Angeles, California 90025, hereby GRANTS, BARGAINS, SELLS, CONVEYS and WARRANTS to Charles Rowland and Mary E Rowland, as tenants by the entirety, GRANTEE, whose address is 8115 Cedar Hill Lane, Olive Ranch, Mississippi 38654, for the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the following described tract of improved land in Shelby County, State of Tennessee (the "Property"):

See Exhibit A attached hereto and made a part hereof.

SUBJECT TO all defects, exceptions, restrictions, easements, rights of way and encumbrances set forth on Exhibit B attached hereto (collectively, the "Permitted Exceptions").

TO HAVE AND TO HOLD the Property with all and singular the tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining, unto Grantee and Grantee's successors and assigns, forever; Grantor hereby covenanting that (i) the Property is free and clear from any encumbrance done or suffered by Grantor, except for the Permitted Exceptions, and (ii) Grantor will warrant and defend the title to the Property unto Grantee and Grantee's successors and assigns forever against the lawful claims and demands of all persons claiming or to claim the same by, through or under Grantor, except for the Permitted Exceptions.

**ISIGNATURE APPEARS ON FOLLOWING PAGE** 

RECORDING REQUESTED BY FIRST AMERICAN TITLE CO. NATIONAL COMMERCIAL SERVICES NC3-628518-54

IN WITNESS WHEREOF, Grantor has caused this Deed to be executed the day and year first above written.

**GRANTOR:** 

NATIONAL BAKERY INDUSTRIAL OWNER, LLC,

a Delaware limited liability company

Bv:

Theresa Jones Vice President

PROPERTY Address: 3763 gadeson Ave Memphis, Tov County of LOS ANGELES DECEMBER 15, 2014 before me, , Notary Public. appeared - THERESA

proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he she they executed the same in his her their authorized capacity(ies), and that by his(her)their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument, after first having been duly authorized so to do.

State of California

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Printed Name TAMES BLANCHARD

JAMES BLANCHARD Commission # 2038551 Notary Public - California Los Angeles County My Comm. Expires Sep 20, 2017

(Seal)

STATE OF Jennessee }
COUNTY OF Shelly }

THE ACTUAL CONSIDERATION FOR THIS TRANSFER OR THE VALUE OF THE PROPERTY, WHICHEVER IS GREATER, IS \$175,000.00.

**AFFIANT:** 

CHARLES ROWLAND

MARY E ROWLAND

SUBSCRIBED AND SWORN TO BEFORE ME, THIS THE

DAY OF DECEMBER, 2014.

NOTARY PUBLIC

My Commission expires:\_

3-7-1

#### EXHIBIT A TO DEED

#### **Legal Description**

LAND LYING AND BEING IN SHELBY COUNTY, TENNESSEE, AND FURTHER DESCRIBED AS FOLLOWS:

LENA W. BAKER OF A W. B. GREGG TRACT AT THE SOUTHEAST CORNER OF JACKSON AVENUE AND GREGG AVENUE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A STAKE IN THE INTERSECTION OF THE SOUTH LINE OF GREGG ROAD WITH THE EAST LINE OF AUSTIN PEAY HIGHWAY (FORMERLY RALEIGH ROAD); THENCE SOUTH 74 DEGREES 27 MINUTES EAST ALONG THE SOUTH LINE OF GREGG ROAD 251 FEET TO A STAKE; THENCE SOUTH 34 DEGREES 27 MINUTES WEST 301.55 FEET TO A STAKE; THENCE NORTH 74 DEGREES 27 MINUTES WEST 38.5 FEET TO A STAKE AT THE TURN OF VILLA ROAD; THENCE NORTH 66 DEGREES 18 MINUTES WEST ALONG THE NORTH LINE OF VILLA ROAD 223.2 FEET TO A STAKE IN THE EAST LINE OF AUSTIN PEAY HIGHWAY; THENCE NORTH 38 DEGREES 15 MINUTES EAST ALONG THE EAST LINE OF SAID AUSTIN PEAY HIGHWAY 275 FEET TO THE POINT OF BEGINNING, LESS THAT PART USED TO WIDEN AUSTIN PEAY HIGHWAY, AS DESCRIBED BY DEED RECORDED IN BOOK 1952, PAGE 336, OF THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.

INCLUDED IN THE FOREGOING DESCRIPTION BUT EXPRESSLY EXCLUDED THEREFROM IS CERTAIN LAND CONVEYED TO THE CITY OF MEMPHIS IN J8 1183, SAID REGISTER'S OFFICE, DESCRIBED AS FOLLOWS:

PART OF THAT PROPERTY AS DESCRIBED IN DEED OF RECORD IN BOOK 6277, PAGE 508, IN THE OFFICE OF THE REGISTER OF SHELBY COUNTY, TENNESSEE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE SOUTHWESTERN CORNER OF SAID PROPERTY, SAID POINT BEING THE INTERSECTION OF THE EASTERN RIGHT OF WAY LINE OF JACKSON AVENUE AND THE PRESENT NORTH RIGHT OF WAY LINE OF VILLA DRIVE; RUNNING THENCE NORTHERLY ALONG THE WESTERLY LINE OF SAID PROPERTY A DISTANCE OF 51.04 FEET TO A POINT; THENCE SOUTHEASTERLY ON A CURVE TO THE LEFT HAVING A RADIUS OF 15 FEET A DISTANCE OF 24.34 FEET TO A POINT OF TANGENCY; THENCE EASTERLY ALONG THE PROPOSED NORTH RIGHT OF WAY LINE OF VILLA DRIVE A DISTANCE OF 151.19 FEET TO A POINT IN THE SOUTHERN LINE OF SAID PROPERTY; THENCE WESTERLY ALONG THE PRESENT NORTH RIGHT OF WAY LINE OF VILLA DRIVE A DISTANCE OF 172.45 FEET TO THE POINT OF BEGINNING.

BEING THE SAME PROPERTY CONVEYED TO IBC SALES CORPORATION, A DELAWARE CORPORATION BY QUIT CLAIM DEED OF RECORD IN INSTRUMENT 09017246, IN THE REGISTER'S OFFICE, SHELBY COUNTY, TENNESSEE.

OHSUSA:759620023.2

Being the same property conveyed unto National Bakery Industrial Owner, LLC, by Special Warranty Deed of record in Instrument No. 13110057, Register's Office for Shelby County, TN.

#### EXHIBIT B TO DEED

#### **Permitted Exceptions**

- 1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notice of such proceedings, whether or not shown by the records of such agency or by the public records.
- 2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or which may be asserted by persons in possession thereof.
- 3. Easements, liens or encumbrances, or claims thereof, which are not shown by the public records.
- 4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by public records.
- 5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the public records.
- 6. Any lien or right to a lien for services, labor or material not shown by the public records.
- 7. Easements and restrictions of record, if any, to the extent now in force and applicable.

# **True Copy Certification**

I, William L. Rosenberg, do hereby make oath that I am a licensed attorney and/or the custodian of the electronic version of the attached document tendered for registration therewith and that this is a true and correct copy of the original documents executed and authenticated according to law.

Willed Rosely
Signature

State of Tennessee

County of Davidson

Personally appeared before me, Jodean M. King, a notary public for this county and state, William L. Rosenberg who acknowledges that this certification of an electronic document is true and correct and whose signature I have witnessed.

Notary's Signature `

My Commission Expires: 6/20/2017

Notary Seal:





# Shelby County Tennessee Willie F. Brooks, Jr.

Shelby County Register

As evidenced by the instrument number shown below, this document has been recorded as a permanent record in the archives of the Office of the Shelby County Register.

#### 22125616

11/17/2022 - 08:21:30	MA C
4 PGS	
HERTHA 2515097-22125616	
VALUE	63000.00
MORTGAGE TAX	0.00
TRANSFER TAX	233.10
RECORDING FEE	20.00
DP FEE	2.00
REGISTER'S FEE	1.00
EFILE FEE	2.00
TOTAL AMOUNT	258.10

WILLIE F. BROOKS JR

REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

#### WARRANTY DEED

Property address: 3767 Gragg Avenue Memphis, TN 38108	I, or we, hereby swear and affirm that, to the best of the affiant's knowledge, information, and belief, the actual consideration for this transfer is or value of the property transferred, whichever is greater, is \$63,000.00, which amount is equal to or greater than the amount which the property would command at fair and voluntary sale.  Subscribed and sworn to before me this day of November, 2022		
Owner's name:  Charles Terry Rowland and Mary E. Rowland  9044 Freeman Oaks Cove  Cordova, TN 38018  Mail tax bills to:			
Charles Terry Rowland and Mary E. Rowland 9044 Freeman Oaks Cove Cordova, TN 38018	Notary Public RADGE:		
Return To: Mid-South Title Services, LLC	My Commission Expires:  OF TENNESSEE NOTARY PUBLIC		
L 265	nstrument prepared by:  COCAL TITLE LLC  7 APPLING RD #103 IEMPHIS, TN 38133		

THIS INDENTURE, made and entered into this 3rd day of November, 2022 by and between

Eugene Tibbs and Martha Katherine Tibbs, hereinafter called Grantor, and

Charles Terry Rowland, and Mary E. Rowland, hereinafter called Grantee.

WITNESSETH: That for and in consideration of ten dollars (\$10.00), cash in hand paid, and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the Grantor has bargained and sold and does hereby bargain, sell, convey and confirm unto the Grantee the following described real estate, situated and being in the County of Shelby State of Tennessee, to wit:

That I. B. Gilmore et ux part of the north 35 acres of the Dower 73.47 Acres of the Harrison 284 Acres in the David Beatty 640 Acre Survey 90/184.3 x 290.95/275.3 feet on the south side of the south side of Gragg Road 251 feet east of Austin Peay Highway, as measured along the south side of Gragg Road:

Beginning at a stake in the south side of Gragg Road, said stake being south 74 degrees 27 minutes east and 251 feet from intersection of south line of Gragg Road with the east side of Austin Peay Highway; thence continuing along the south side of Gragg Road south 74 degrees 27 minutes east 90 feet to a point in the south side of Gragg Road; thence south 15 degrees 35 minutes west 275.3 feet to a point; thence north 74 degrees 27 minutes west 184.3 feet to a point; thence north 33 degrees 27 minutes east 290.95 feet to the point of beginning.

Being the same property conveyed to Grantor(s) herein by Warranty Deed of record in Instrument No. EV9907, in the Register's Office of Shelby County, Tennessee. Martha Pullen Tibbs died testate in this county on October 15, 2021. The grantors herein are the devisees und the Last Will and Testament of record in Shelby County Probate Court at PR-20841

Tax Parcel Number: 06-2057-0-0002

TO HAVE AND TO HOLD the aforesaid real estate together with all appurtenances and hereditaments thereunto belonging or in any wise appertaining unto the said part Grantee of the second part, Grantee's heirs, successors and assigns in fee simple forever.

The said Grantor of the first part does hereby covenant with the said part Grantee of the second part that Grantor lawfully seized in fee of the aforedescribed real estate; that the Grantor has a good right to sell and convey the same; that the same is unencumbered, EXCEPT for:

Subdivision restrictions, building lines and easements of record in 2023 City and 2023 County taxes, are not yet due and payable; all in said Register's Office.

and that the title and quiet possession thereto Grantor will warrant and forever defend against the lawful claims of all persons.

The words "Grantor" and "Grantee" shall include the plural where appropriate and pronouns shall be construed according to their proper gender and number according to the context hereof.

WITNESS the signature of the Grantor the day and year first above written.

Eugene Tibbs

STATEOF DISTrictoFColumbia

COLDITY OF

Before me, Jamin Hall, a Notary Public in and for said State and County, duly commissioned and qualified, personally appeared Eugene Tibbs to me known (or proved to me on the basis of satisfactory evidence) to be the person (or persons) described in and who executed the foregoing instrument, and acknowledged that he, she or they executed the same as his, her or their free act and deed.

WITNESS my hand and notarial seal at office this the  $2n\sigma$ 

day of November, 2022.

Notary Public

2 ER F

JASMIN HALL NOTARY PUBLIC DISTRICT OF COLUMBIA My Commission Expires January 1, 2027

Martha Katherine Tibbs

STATE OF COUNTY OF

Before me, \_\_\_\_\_\_\_, a Notary Public in and for said State and County, duly commissioned and qualified, personally appeared Martha Katherine Tibbs to me known (or proved to me on the basis of satisfactory evidence) to be the person (or persons) described in and who executed the foregoing instrument, and acknowledged that he, she or they executed the same as his, her or their free act and deed.

WITNESS my hand and notarial seal at office this the \_\_

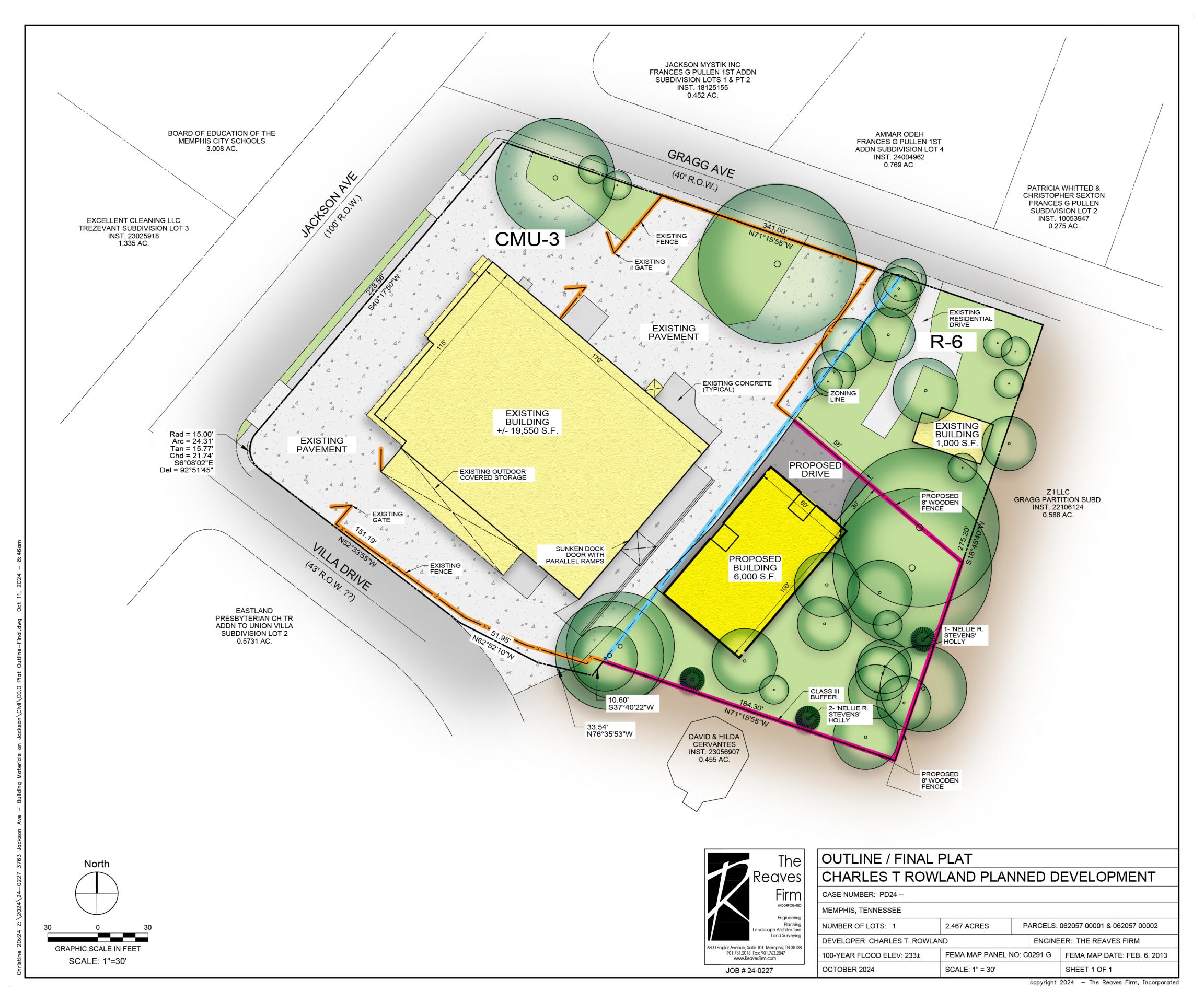
3 Aday of November, 2022.

7//23 Notary Public A

Expen

# **True Copy Certification**

I, Kelly Rametta, do hereby make oath that I am a licensed attorney and/or the
custodian of the electronic document tendered for registration herewith and that this electronic document is a true and exact copy of the original document executed and
authenticated according to law on November 3,6000
(date of document).
Signature
State of Tennessee
County of Shelby
Sworn to and subscribed before me this 3 day of November, 2000
: in BADGE: Dome Both
STATE OF Notary's Signature TENNESSEE NOTARY
COLLAND OF SHE NOT
My Commission Expires:
Notary Seal:





City Hall - 125 N. Main Street, Suite 468 - Memphis, Tennessee 38103 - (901) 636-6619

December 23, 2024

Charles & Mary Rowland 9044 Freeman Oaks Cove

Sent via electronic mail to: <a href="mailto:cdonhardt@reavesfirm.com">cdonhardt@reavesfirm.com</a>

Charles T Rowland Planned Development

Case Number: PD 2024-0017 LUCB Recommendation: Approval

Dear applicant,

On Thursday, December 12, 2024, the Memphis and Shelby County Land Use Control Board recommended *approval* of your planned development application for the Charles T Rowland Planned Development, subject to the attached outline plan conditions.

This application will be forwarded, for final action, to the Council of the City of Memphis. The Council will review your application in a committee meeting prior to voting on it in a public hearing. The applicant or the applicant's representative(s) shall be in attendance at all meetings and hearings.

It is the applicant's responsibility to contact the City Council Records Office to determine when the application is scheduled to be heard at committee and in public session. The City Council Records Office may be reached at (901) 636-6792.

If for some reason you choose to withdraw your application, a letter should be mailed to the Land Use and Development Services Department of the Division of Planning and Development at the address provided above or emailed to the address provided below.

If you have questions regarding this matter, please feel free to contact me at (901) 636-6619 or via email at alexis.longstreet@memphistn.gov.

Respectfully,

**Alexis Longstreet** 

Alexis Longstreet

Planner

Land Use and Development Services
Division of Planning and Development

# Letter to Applicant PD 2024-017

Cc: Christine Donhardt, The Reaves Firm, Inc. File

# Letter to Applicant PD 2024-017

#### **Outline Plan Conditions**

Proposed language is indicated in **bold**, **underline**; deletions are indicated in **bold strikethrough** 

#### I. Uses Permitted:

- A. Any use permitted by right in the Commercial Mixed Use 3 (CMU-3) District.
- B. The following uses are not allowed:
  - 1. Tattoo, palmist, psychic, or medium
  - 2. Hourly Rate Hotel or Motels
  - 3. Outdoor storage within the R-6 portion of the Planned Development (Parcel #062057 0002).
  - 4. Storage using shipping containers.

#### II. Bulk Regulations:

A. The Bulk Regulations of the CMU-3 district shall apply except that the proposed storage building shall have a minimum side yard setback of 30 feet from the south line, 30 feet from the proposed 8-foot-tall wooden fence to the north and minimum setback of 65 feet from its closest point to the east property line.

#### III. Access, Circulation and Parking:

- A. All curb cuts shall remain.
- B. Access to storage building on R-6 lot is restricted to the CMU-3 entrances.
- C. Access to the single-family home shall remain off of Gragg Ave.

#### IV. Landscaping and Screening:

- A. An augmented Class III buffer will be installed on the south side of the R-6 lot east near the residential zoning. This will consist of preserving existing trees and filling in the gaps as needed.
- B. The existing street frontages of Gragg Avenue and Villa Drive in the CMU-3 zoned portion of the planned development known as Parcel #062057 00001 shall be screened by a Class III Buffer at the time of the construction of the proposed warehouse building on Parcel #062057 00002 as follows:
  - 1. Along Gragg Avenue on Parcel #062057 00001 beginning at the existing gate facing Jackson Avenue as shown on the Outline/Final Plat and extending east to Parcel #062057 00002.
  - 2. Along Villa Drive on Parcel #062057 00001 from existing gate facing Jackson Avenue and extending east to Parcel #062057 00002.
- C. Any future expansion of the existing building in the CMU-3 zoned portion of the site or construction of a new building in the CMU-3 zoned portion of the site shall require landscaping improvements along Jackson Avenue.

#### V. Signs:

A. No signage shall be on the R-6 lot. All other signage shall comply with the mixed-use sign requirements.

#### **VI. Outdoor Site Lighting:**

**A.** Site lighting and parking lot lighting shall be designed to direct lighting away from all residential properties. Parking lot light standards shall be a maximum of twenty (20) feet in height within 200 feet of adjacent residential.

#### VII. Drainage:

A. A grading and drainage plan for the site shall be submitted to the City Engineer for review and approval prior to recording of the final plat.

#### **Letter to Applicant**

#### PD 2024-017

B. Design of the storm water conveyance and management facilities for this project shall be in accordance with the Memphis-Shelby County Storm Water Management Manual. The manual requires on-site detention of storm water run-off generated from the project that exceeds the capacity of the downstream system. Drainage calculations performed in accordance with this manual shall be submitted verifying that adequate non-buildable areas have been provided for storm water detention facilities.

#### VIII. Building Design

- A. A single story, prefabricated metal building may be built on the R-6 lot in the location shown on the outline plan.
- **IX.** The Land Use Control Board may modify the bulk, access, parking, landscaping, and sign requirements if equivalent alternatives are presented; provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder, may within ten days of such action, file a written appeal to the Zoning Administrator of the Division of Planning and Development, to have such action reviewed by the Memphis City Council.

#### X. Site Plan Review

- A. A site plan shall be submitted for review and comment by appropriate governing agencies and the Division of Planning and Development prior to approval of any final plan. Site plan review by the Land Use Control Board shall not be required if the final plat conforms to the site plan approved by the City Council as part of the Planned Development Outline Plan approval.
- B. The site plan shall illustrate the location and dimensions of building footprints, parking lots, private drives, building elevations, landscaping and screening plans.
- C. The site plan shall be reviewed and based upon the following criteria:
  - 1. Conformance with the Outline Plan conditions and the standards and criteria for commercial planned developments contained in the UDC.
  - 2. Adequacy of public facilities (streets, sewers, drainage, etc.)
  - 3. Elements of site design such as building orientation and setback, access and parking, internal vehicular and pedestrian circulation, landscaping and lighting.
  - 4. Building elevations and materials.
- **XI.** A final plan shall be filed within five (5) years of the date of approval of the Outline Plan by the Legislative Bodies. The Land Use Control Board may grant extensions at the request of the applicant.
- **XII.** Any final plan shall include the following:
  - A. The outline plan conditions.
  - B. The exact location and dimensions, including lots, buildable areas, pedestrian and utility easements, service drives, parking areas, trash receptacles, loading facilities, and required landscaping and screening areas.
  - C. The location and ownership, whether public or private, of any easement.
  - D. Specific plans for internal and perimeter landscaping and screening including landscaping of all open space features.
  - E. A lighting plan detailing the location, height, style, direction, etc. of all outdoor lighting and a photometric plan shall be submitted for administrative review and approval by the Division of Planning and Development.
  - F. A standard improvement contract as defined by Section 5.5.5 of the UDC for any needed public improvements.

## Letter to Applicant PD 2024-017

- G. A statement conveying all common facilities and areas to a property owner's association or other entity, for ownership and maintenance purposes.
- H. The 100-year flood elevation.
- I. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City and/or County Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City and/or County Engineer's Office. Such maintenance shall include, but not be limited to removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.

#### CITY OF MEMPHIS COUNCIL AGENDA CHECK OFF SHEET

PUBLIC SESSION: 2/4/2025 FIRST READING  TTEM (CHECK ONE)  X ORDINANCE CONDEMNATIONS GRANT ACCEPTANCE / AMENDMENT RESOLUTION GRANT APPLICATION REQUEST FOR PUBLIC HEARING OTHER:  TIEM DESCRIPTION: An amendment to the Memphis and Shelby County Energy Conservation Code.  CASE NUMBER: n/a  LOCATION: City of Memphis and unincorporated Shelby County  APPLICANT: Memphis and Shelby County Division of Planning and Development  REPRESENTATIVE: John Zeanah, Division Director  REQUEST: Adopt amendments to the Memphis and Shelby County Energy Conservation Code.  AREA: This amendment affects all property within the City of Memphis and unincorporated She  RECOMMENDATION: Division of Planning and Development: Approval  PRIOR ACTION ON ITEM:  n/a APPROVAL - (1) APPROVED (2) DENIED	Planning & Development  DIVISION  1/21/2025									
ITEM (CHECK ONE)  X ORDINANCE CONDEMNATIONS GRANT ACCEPTANCE / AMENDMENT RESOLUTION GRANT APPLICATION REQUEST FOR PUBLIC HEARING OTHER:  ITEM DESCRIPTION: An amendment to the Memphis and Shelby County Energy Conservation Code.  CASE NUMBER: n/a  LOCATION: City of Memphis and unincorporated Shelby County  APPLICANT: Memphis and Shelby County Division of Planning and Development  REPRESENTATIVE: John Zeanah, Division Director  REQUEST: Adopt amendments to the Memphis and Shelby County Energy Conservation Code.  AREA: This amendment affects all property within the City of Memphis and unincorporated She  RECOMMENDATION: Division of Planning and Development: Approval  PRIOR ACTION ON ITEM:  n/a APPROVAL - (1) APPROVED (2) DENIED	5: <u>2/4/2025</u> DATE									
ITEM DESCRIPTION: An amendment to the Memphis and Shelby County Energy Conservation Code.  CASE NUMBER: n/a  LOCATION: City of Memphis and unincorporated Shelby County  APPLICANT: Memphis and Shelby County Division of Planning and Development  REPRESENTATIVE: John Zeanah, Division Director  REQUEST: Adopt amendments to the Memphis and Shelby County Energy Conservation Code.  AREA: This amendment affects all property within the City of Memphis and unincorporated She  RECOMMENDATION: Division of Planning and Development: Approval  PRIOR ACTION ON ITEM:  n/a  APPROVAL - (1) APPROVED (2) DENIED	<i>DATE</i>									
LOCATION: City of Memphis and unincorporated Shelby County  APPLICANT: Memphis and Shelby County Division of Planning and Development  REPRESENTATIVE: John Zeanah, Division Director  REQUEST: Adopt amendments to the Memphis and Shelby County Energy Conservation Code.  AREA: This amendment affects all property within the City of Memphis and unincorporated She  RECOMMENDATION: Division of Planning and Development: Approval  PRIOR ACTION ON ITEM:  n/a APPROVAL - (1) APPROVED (2) DENIED										
APPLICANT: Memphis and Shelby County Division of Planning and Development  REPRESENTATIVE: John Zeanah, Division Director  REQUEST: Adopt amendments to the Memphis and Shelby County Energy Conservation Code.  AREA: This amendment affects all property within the City of Memphis and unincorporated She  RECOMMENDATION: Division of Planning and Development: Approval  PRIOR ACTION ON ITEM:  n/a  APPROVAL - (1) APPROVED (2) DENIED										
REPRESENTATIVE: John Zeanah, Division Director  REQUEST: Adopt amendments to the Memphis and Shelby County Energy Conservation Code.  AREA: This amendment affects all property within the City of Memphis and unincorporated She  RECOMMENDATION: Division of Planning and Development: Approval  PRIOR ACTION ON ITEM:  n/a  APPROVAL - (1) APPROVED (2) DENIED	nd unincorporated Shelby County									
REQUEST: Adopt amendments to the Memphis and Shelby County Energy Conservation Code.  AREA: This amendment affects all property within the City of Memphis and unincorporated She RECOMMENDATION: Division of Planning and Development: Approval  PRIOR ACTION ON ITEM:  n/a  APPROVAL - (1) APPROVED (2) DENIED	y County Division of Planning and Development									
AREA: This amendment affects all property within the City of Memphis and unincorporated She  RECOMMENDATION: Division of Planning and Development: Approval  PRIOR ACTION ON ITEM:  n/a  APPROVAL - (1) APPROVED (2) DENIED										
RECOMMENDATION: Division of Planning and Development: Approval  PRIOR ACTION ON ITEM:  n/a  APPROVAL - (1) APPROVED (2) DENIED	Adopt amendments to the Memphis and Shelby County Energy Conservation Code.									
PRIOR ACTION ON ITEM:  n/a  APPROVAL - (1) APPROVED (2) DENIED	This amendment affects all property within the City of Memphis and unincorporated Shelby County.									
<u>n/a</u> APPROVAL - (1) APPROVED (2) DENIED	: Division of Planning and Development: Approval									
DATE ORGANIZATION - (1) BOARD / COMMISSION (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE  FUNDING:										
REQUIRES CITY EXPENDITURE - (1) YES (2) NO  AMOUNT OF EXPENDITURE  REVENUE TO BE RECEIVED  SOURCE AND AMOUNT OF FUNDS										
\$ OPERATING BUDGET \$ CIP PROJECT #_ \$ FEDERAL/STATE/OTHER										
ADMINISTRATIVE APPROVAL:  DATE POSITION PRINCIPAL PLANNER DEPUTY DIRECTOR DIRECTOR DIRECTOR COMPTROLLER										
FINANCE DIRECTOR CITY ATTORNEY										
CHIEF ADMINISTRATIVE OFFIC	CER									



### **Memphis City Council Summary Sheet**

1. Description of the Item (Resolution, Ordinance, etc.)

A JOINT ORDINANCE WITH THE CITY OF MEMPHIS TENNESSEE ADOPTING THE 2018 EDITION OF THE INTERNATIONAL CODE COUNCIL INTERNATIONAL ENERGY CONSERVATION CODE AND PROVIDING FOR ITS IMPLEMENTATION BY AMENDMENT TO THE MEMPHIS AND SHELBY COUNTY BUILDING AND RESIDENTIAL CODES.

Initiating Party (e.g. Public Works, at request of City Council, etc.)Division of Planning and Development

- **3.** State whether this is a change to an existing ordinance or resolution, if applicable. Ordinance will amend the Memphis and Shelby County Energy Conservation Code.
- 4. State whether this requires a new contract, or amends an existing contract, if applicable.

This ordinance does not require a new contract nor amend an existing contract.

**5.** State whether this requires an expenditure of funds/requires a budget amendment. This ordinance does not require an expenditure of funds or budget amendment.



A JOINT ORDINANCE WITH THE CITY OF MEMPHIS TENNESSEE ADOPTING THE 2018 EDITION OF THE INTERNATIONAL CODE COUNCIL INTERNATIONAL ENERGY CONSERVATION CODE AND PROVIDING FOR ITS IMPLEMENTATION BY AMENDMENT TO THE MEMPHIS AND SHELBY COUNTY BUILDING AND RESIDENTIAL CODES.

WHEREAS, The Shelby County Board of Commissioners and the Council of the City of Memphis seek to adopt and maintain a comprehensive set of coordinated Technical Codes and to update those Codes to assure the safe and effective construction of commercial and residential buildings and structures in the community; and

WHEREAS, The need for sustainable and energy efficient buildings, structures, and building systems, has never been more important to this community and the promotion of construction that recognizes the need for such energy efficiency and construction sustainability is crucial to the smart growth of this community and for the well being of its citizens; and

**WHEREAS,** In order to conform with state law Shelby County and City of Memphis are required to adopt a version of the International Energy Conservation Code no later than the 2018 model code; and

WHEREAS, it has been determined that it is necessary and prudent to adopt the 2018 edition of the standard code specifically governing the energy use and required insulation for the construction of structures and their support systems in both commercial and residential structures which had previously been covered by regulations in the 2021 Edition of the International Code Council (ICC) Energy Conservation Code; and

WHEREAS, Copies of the 2018 Edition of the *ICC International Energy Conservation Code* have been placed in the Shelby County Commission and Memphis City Council Minutes Offices for public review before their adoption by reference, as required by state law; and

WHEREAS, the provisions of the 2018 Edition of the ICC International Energy Conservation Code, when adopted by the Board and Council, will provide a modern and internally consistent Code for

evaluation the work proposed to be constructed and is within the family of codes already adopted in Memphis and Shelby County.

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, TENNESSEE, That all previous energy conservation codes are hereby repealed except as may be set out in the attachments hereto, and that the 2021 Edition of the *ICC International Energy Conservation* Code is hereby adopted by reference, a copy of said code being on file in the Minutes Offices of the Shelby County Board of Commissioners and of the Memphis City Council.

**BE IT FURTHER ORDAINED,** That the *2018 Edition of the ICC International Energy Conservation Code* is amended by adoption of the local amendments attached to this Joint Ordinance as Exhibit A.

BE IT FURTHER ORDAINED, That the 2018 Edition of the *ICC International Energy Conservation Code* and those local amendments attached to this Joint Ordinance as Exhibit A are hereby incorporated by reference as if set out herein in their entirety, and that no Appendices from the 2018 Edition of the *ICC International Energy Conservation Code* are adopted.

BE IT FURTHER ORDAINED, That the adoption of the 2018 Edition of the ICC International Energy Conservation Code and local amendments shall be known as the Memphis and Shelby County Energy Conservation Code, and shall be implemented through their inclusion in the appropriate section of the Memphis and Shelby County Building Code, the Memphis and Shelby County Residential Code, and other Technical Codes which contain provisions that address the appropriate standards for energy efficiency of various buildings, structures, and internal support systems.

**BE IT FURTHER ORDAINED,** That should any part of this ordinance or code be found to be unlawful or unenforceable by a court of competent jurisdiction that such a determination will have no effect on the other portions of the adopted Code and amendments thereto.

**BE IT FURTHER ORDAINED,** That this Joint Ordinance shall take effect in the City of Memphis and the unincorporated areas of Shelby County on April 1, 2025, by virtue of the concurring and separate passage thereof by the Board of Commissioners of Shelby County and the Memphis City Council, or if not adopted by each legislative body by that date, at the date of such adoption by the last adopting body.

#### **EXHIBIT A**

## 1. Amend Section C101.1 Entitled "Title" So When Amended It Shall Read As Follows:

**C101.1 Title**. This code shall be known as the Memphis and Shelby County Energy Conservation Code and shall be cited as such. It is referred to herein as "this code."

## 2. Delete C104 Entitled "Fees" And All Subsections Under It And Reserve the Section Number So That When Amended It Shall Read:

Section C 104 – Reserved.

# 3. Amend Section C105.2.6 By Removing Requirements On Commissioning Of A Building In The Final Inspection So When Amended The Section Shall Read As Follows:

C105.2.6 Final inspection. The building shall have a final inspection and shall not be occupied until approved. The final inspection shall include verification of the installation and proper operation of all required building controls.

# 4. Amend Section C109.1 "General" So That When Amended It Shall Read As Follows:

C109.1 General. The Memphis and Shelby County Joint Board of Appeals shall be the appeals body which is authorized to hear and decide appeals of orders, decisions or determinations made by the code official relative to the application and interpretation of this code. It shall have the same authority and responsibilities to hear such appeals and make such determinations as is authorized in the Memphis and Shelby County Building Code.

#### 5. Delete Section C109.2 Entitled "Limitation On Authority" Without Replacement.

#### 6. Delete Section C109.3 Entitled "Qualifications" Without Replacement.

## 7. Amend Section C301.1 Entitled "General" So When Amended It Shall Read As Follows:

**C301.1 General.** - Climate zones in Figure C301.1 or Table C301.1 shall be used in determining the applicable requirements from Chapters 4 and 5.

### 8. Amend Section C403.5 Entitled "Economizers" by Adding a New Exception #7 Which Shall Read Follows:

7. VRF systems installed with a dedicated outdoor air system.

## 9. Amend Section C403.5 Entitled "Economizers" By Adding A New Exception #8 Which Shall Read As Follows:

8. Buildings, which due to their size or intended use, and based on an analysis provided by the engineer and satisfactory to the Building Official, will not realize an economic payback on the use of this equipment within a 10 year equipment life assumption.

# 10. Amend Section C405.2.3 Entitled "Daylight Responsive Controls" By Adding A New Exception #5 Which Shall Read As Follows:

5. Any area or room which classifies as a single daylight control zone which does not have fenestration, either by window or skylight, that exceeds 250 square feet.

## 11. Delete Section C405.5 Entitled "Dwelling Electrical Meter" Without Replacement.

# 12. Delete Section C408 Entitled "Maintenance Information and System Commissioning" And All Its Subsections, Without Replacement

# 13. Amend Section C503.2 Entitled Change In Space Conditioning" By Deleting The Existing Provisions Replacing It As Shown Below:

C503.2 Change in space conditioning.— Any nonconditioned space that represents 5% of a commercial building, in which it is located, which is altered to become conditioned space shall be required to be brought into full compliance with this code. The Building Official may look back for two years prior to the application to capture other projects during that time that increased the floor area of conditioned space and total those previously conditioned areas with the proposed project's area to determine if the applicable area threshold is exceeded.

#### 14. Amend Section C503.3 to add the following Exception 2:

**Exception 2:** Compliance with the requirements of Section C402 (Building Envelope Requirements) is not required unless the change in occupancy or use will increase fuel or energy use by more than twenty five percent (25%) and the

renovations include changes to at least twenty five percent (25%) of the building envelope. In such cases, all envelope renovations much incorporate Section C402 requirements to the extent it is not structurally impractical to do so.

#### 15. Amend Section C503.4 to add the following Exception 1:

**Exception 1:** Where a change of occupancy or use results in increased fuel or energy use and requires renovations affecting more than twenty five percent (25%) of the space, the renovated portion of the building must comply with all requirements of Section C403 (Building Mechanical Systems) except that compliance with Section C403 shall not be required where HVAC systems do not serve at least twice the renovated area.

#### 16. Amend Section C503.5 to add the following Exception 1:

**Exception 1:** Where a change of occupancy or use results in increased fuel or energy use and requires renovations affecting more than twenty five percent (25%) of the space, the renovated portion of the building must comply with all requirements of Section C404 (Service Water Heating) except that compliance with Section C404 shall not be required where the service hot water systems do not serve at least twice the renovated area.

#### 17. Amend Section C503.6 to add the following Exception 2:

**Exception 2**: Where a change of occupancy or use results in increased fuel or energy use and requires renovations that are more than twenty five percent (25%) of the space, the renovated portion of the building must meet all requirements of Section C405 (Electrical Power and Lighting System).

# 18. Amend Section R101.1 Entitled "Title" So When Amended It Shall Read As Follows:

**R101.1 Title**. This code shall be known as the 2025 Memphis and Shelby County Energy Conservation Code and shall be cited as such. It is referred to herein as "this code."

# 19. Delete Section R104 Entitled "Fees" And All Subsections Under It And Reserve the Section Number So That When Amended It Shall Read:

Section R104 – Reserved.

# 20. Amend Section R108.4 Entitled "Failure To Comply" So When Amended It Shall Read As Follows:

**R109.4 Failure to comply**. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than one dollar or more than fifty dollars.

# 21. Amend Section R109.1 Entitled "General" So That When Amended It Shall Read As Follows:

**R109.1 General.** The Memphis and Shelby County Joint Board of Appeals shall be the appeals body which is authorized to hear and decide appeals of orders, decisions or determinations made by the code official relative to the application and interpretation of this code. It shall have the same authority and responsibilities to hear such appeals and make such determinations as is authorized in the Memphis and Shelby County Building Code.

## **22..** Delete Section R109.2 Entitled "Limitation On Authority" Without Replacement.

#### 23.. Delete Section R109.3 Entitled "Qualifications" Without Replacement.

#### 24.. Delete Section R401.3 Entitled "Certificate" Without Replacement

#### <u>25..</u>

Table 402.1.2 Insulation and Fenestration Requirements by Component and Table R402.1.4 Equivalent U-Factors are deleted and replaced with Table 402.1.1 Insulation and Fenestration Requirements by Component and Table 402.1.3 Equivalent U-Factors 2009 IECC.

## TABLE 402.1.1 INSULATION MINIMUM R-VALUES AND FENESTRATION REQUIREMENTS BY COMPONENT $_{\rm a}$

Climate Zone	Fenestration <i>U</i> -Factor <sub>b</sub>	Skylight U-Factor b	Glazed Fenestration SHGC <sub>b, e</sub>	Ceiling R- Factor	Wood Frame Wall <i>R</i> -Value	Mass Wall <i>R</i> -Value <sub>i</sub>	Floor R- Value	Basement Wall R-Value	Slab <i>R</i> - Value & Depth <sup>d</sup>	Crawl Space Wall R-Value c
3	0.50 <sup>j.</sup>	0.65	0.30	30	13	5/8	19	5/13 f	0	5/13

#### **Footnotes**

- a R-Values are minimums. U-factors and SHGC are maximums. R-19 batts compressed into normal 2X6 framing such that the R-value is reduced by R-1 or more shall be marked with the compressed batt R-Value in addition to full thickness R-value.
- b The fenestration U-factor column excludes skylights. The SHGC column applied to all glazed fenestration.
- c- "15/19" means R-15 continuous insulted sheathing on the interior or exterior of the home or R-19 cavity insulation at the interior of the basement wall. "15/19" shall be permitted to be met with R-13 cavity insulation on the interior of the basement wall plus R-5 continuous insulated sheathing on the interior or exterior of the home. "10/13" means R-10 continuous insulated sheathing on the interior or exterior of the home or R-13 cavity insulation at the interior of the basement wall.
- d. R-5 shall be added to the required slab edge R-Values for heated slabs. Insulation depth shall be the depth of the footing or 2 feet, whichever is less in Zone 3 for heated slabs.
- e There are no SHGC requirements in the Marine Zone.
- f Basement wall insulation shall not be required in warm-humid locations as defined by Figure 301.And Table 301.1.
- g. Or insulation sufficient to fill the framing cavity, R-19 minimum.
- h. "13+5" means R-13 cavity insulation plus R-5 insulated sheathing. If structural sheathing covers 25 percent or less of the exterior, insulating sheathing is not required where structural sheathing is used. If structural sheathing covers more than 25 percent of exterior, structural sheathing shall be supplemented with insulated sheathing of at least R-2.
- i- The second R-value applies when more than half the insulation is on the interior of the mass wall.
- j- For impact rated fenestration complying with Section R301.2.1.2 of the International Residential Code or Section 1608.1.2 of the International Building Code, the maximum *U*-factor shall be 0.65.

#### TABLE 402.1.3 EQUIVALENT *U*-FACTORS<sup>a</sup>

CLIMATE ZONE	FENESTRATION U-FACTOR	SKYLIGHT U-FACTOR	CEILING U-FACTOR	FRAME WALL U-FACTOR	MASS WALL U-FACTOR	FLOOR U-FACTOR	BASEMENT WALL U-FACTOR	CRAWL SPACE WALL U-FACTOR
3	0.50	0.65	0.035	0.082	0.141	0.047	0.091°	0.136°

- a. Nonfenestration U-factors shall be obtained from measurement, calculation or an approved source.
- b. When more than half the insulation is on the interior, the mass wall U-factors shall be a maximum of 0.12 in Zone 3.
- c. Basement wall U-factor of 0.360 in warm-humid locations as defined by Figure 301.1 and Table 301.1.

# 26.. Amend Section R402.2.4 Entitled "Access Hatches And Doors" By Deleting the entire section and replacing with the following:

**R402.2.4** Access hatches and doors. Access hatches from conditioned spaces to unconditioned spaces such as attics and crawl spaces shall be weatherstripped.

# 27.. Amend Section R402.3.3 Entitled "Glazed Fenestration Exemption" By Inserting "45 Square Feet (4.2 M²) In Place Of "15 Square Feet (1.4m²) So When It Is Amended The Section Shall Read As Follows:

**R402.3.3 Glazed fenestration exemption.** Not Greater than 45 square feet (4.2 M<sup>2</sup>) of glazed fenestration per dwelling unit shall be exempt from the *U*-factor and SHGC requirements in Section R402.1.2. This exemption shall not apply to the Total UA alternative in Section R402.1.5.

# 28. Delete Existing Table R402.4.1.1 Entitled "Air Barrier, Air Sealing And Insulation Installation" And Replace It With The Table Provided Below:

### TABLE R402.4.1.1 AIR BARRIERS AND INSULATION INSTALLATION COMPONENT CRITERIA"

COMPONENT	CRITERIA				
	Exterior thermal envelope insulation for framed walls is installed in substantial				
	contact or continuous alignment with the building envelope air barrier				
Air Barrier and Thermal Insulation	Breaks or joints in air barrier are filled and repaired.				
	Air-permeable insulation is not used as a sealing material.				
	Air-permeable insulation is inside of an air barrier.				
	Air Barrier in dropped ceiling/soffit is substantially aligned with insulation an any				
Ceiling/attic	gaps are sealed.				
	Attic access (except unvented attic), knee wall door, or drop down stair is sealed.				
Walls	Corners and headers are sealed.				

	Junction with foundation and sill plate is sealed.
Windows and doors	Space between windows/door jams and framing is sealed.
Rim Joists	Rim joints are insulated and include air barrier.
Floors	Insulation installed to maintain permanent contact with underside of subfloor
(including above garage and	decking
cantilevered floors)	Air Barrier is installed at any exposed edge of insulation.
	Insulation is permanently attached to walls.
Crawl space walls	Exposed earth in unvented crawl space is covered with Class 1 vapor retarder with overlapping joints taped.
Shafts, penetrations	Duct shafts, utility penetrations, knee walls and flue shafts opening to exterior or
_	unconditioned space are sealed.
Narrow cavities	Batts in narrow cavities are cut to fit, or narrow cavities are filled with sprayed or
	blown insulation.
Garage separation	Air sealing is provided between the garage and conditioned spaces.
Recessed lighting	Recessed light fixtures are air tight, IC rated, and sealed to drywall.
	Exception – Fixtures in conditioned space.
	Insulation is placed between outside and pipes. Batt insulation is cut to fit around
Plumbing and wiring	wiring and plumbing, or sprayed/blown insulation extends behind piping and
	wiring.
Shower/tub on exterior wall	Showers and tubs on exterior wall have insulation and an air barrier separating
	them from the exterior wall.
Electrical/phone box on exterior walls	Air barrier extends behind box or air sealed-type boxes are installed.
Common Wall	Air barrier is installed in common wall between dwelling units.
HVAC register boots	HVAC register boots that penetrate building envelope are sealed to subfloor or
	drywall.
Fireplace	Fireplace walls include an air barrier.

29. Section R402.4.1.2 Testing is deleted and replaced with Section 402.4.2.1 Testing Option and Section 402.4.2.2 Visual Inspection Option from 2009 IECC.

# 30. Amend Section R402.4.2 Entitled "Fireplaces" By Deleting The Phrase "And Outdoor Combustion Air" Without Replacement So When Amended It Shall Read As Follows:

**R402.4.2 Fireplaces**. New wood-burning fireplaces shall have tight-fitting flue dampers or doors. Where using tight-fitting doors on factory-built fireplaces listed and labeled in accordance with UL 127, the doors shall be tested and listed for the fireplace. Where using tight-fitting doors on masonry fireplaces, the door shall be listed and labeled in accordance with UL 907.

31. Section R403.3.3 Duct Testing (Mandatory) and Section R403.3.4 Duct Leakage (Prescriptive) are optional.

- 32. Amend Section R403.3.5 Entitled "Building Cavities" By Adding The Phrase At The End Of The Existing Language "Except For Return Air On Interior Walls." So When Amended It Reads As Follows:
  - **R403.3.5 Building cavities.** Building framing cavities shall not be used as ducts or plenums except for return air on interior walls.
- 33. Delete Section R403.5.1 Entitled "Heated Water Circulation And Temperature Maintenance Systems" To remove the first sentence so when amended it shall read as follows:
  - R403.5.1 Heated water circulation and temperature maintenance systems. Heat trace temperature maintenance systems shall be in accordance with Section R403.5.1.2. Automatic controls, temperature sensors and pumps shall be in a location with access. Manual controls shall be in a location with ready access.
- 34. Delete Section R403.5.1.1. Entitled "Circulation Systems" without replacement
- 35. Delete Section R403.5.2 Entitled "Demand Recirculating Water Systems" without replacement.
- 36. Amend Section R403.6 Entitled "Mechanical Ventilation" By Deleting The Last Sentence In So That When Amended Its Shall Read As Follows:
  - **R403.6 Mechanical ventilation**. Buildings and dwelling units shall be provided with ventilation that meets the requirements of the *International Residential Code* or *International Mechanical Code*, as applicable or with other approved means of ventilation.
- 37. Delete Sections R403.10 Entitled "Energy Consumption of Pools And Spas" And All Of Its Subsections (R403.10.1, R403.10.2, R403.10.3), R403.11 Entitled "Portable Spas" And R403.12 Entitled "Residential Pools And Permanent Residential Spas" Without Replacement.
- 38. Amend Section R404.1 Entitled "Lighting Equipment" by replacing "All" with "Not less than 75 percent" in the two places it appears in this section so that when amended it shall read as follows:
- **R404.1 Lighting equipment (Mandatory).** Not less than 75 percent of permanently installed lighting fixtures, excluding kitchen appliance lighting fixtures, shall contain only high–efficiency lighting sources.

**Exception:** Low voltage lighting.

39. Delete Section R405.4.2.1 Entitled "Compliance Report For Permit Application"
And Section R405.4.2.2 Entitled "Compliance Report For Certification Of
Occupancy" In Their Entirety Without Replacement, But Showing The Section
Numbers As "Reserved" To Preserve Numbering Consistency Of The Remaining
Sections. So When Amended They Shall Read:

R405.4.2.1 - Reserved. R405.4.2.2 - Reserved.

# 40. Delete the Exception Following Section R502.1.1.1 and replace with the following:

Exception: Any nonconditioned space which is altered to become conditioned space shall be required to be brought into full compliance with the envelope insulation requirements of Section R402.1.2 this code.

#### CITY OF MEMPHIS COUNCIL AGENDA CHECK OFF SHEET

ONE ORIGINAL     ONLY STAPLED    TO DOCUMENTS	Planning &	Zoning Co	OMMITTEE:	1/21/2025	Planning & Developm DIVISION	<u>ent</u>			
		PUBLIC	SESSION:	DATE 2/4/2025 DATE	FIRST READING:	2/4/25 DATE			
TEM (CHECK ONE)  X ORDINANCE RESOLUTION OTHER:	CONDEMNA' GRANT APP	TIONS LICATION	GRAN' REQUI	T ACCEPTANCE	E / AMENDMENT C HEARING				
ITEM DESCRIPTION:	An amendment to th								
CASE NUMBER:	n/a								
LOCATION:	City of Memphis and	d unincorpora	ted Shelby Cou	nty					
APPLICANT:	Memphis and Shelby	by County Division of Planning and Development							
REPRESENTATIVE:	John Zeanah, Divisio	on Director							
REQUEST:	Adopt amendments to the Memphis and Shelby County Building Code.								
AREA:	This amendment affects all property within the City of Memphis and unincorporated Shelby County.								
RECOMMENDATION:	Division of Planning	and Develop	ment: Approv	val					
PRIOR ACTION ON ITEM n/a  FUNDING: (2)  S SOURCE AND AMOUNT S S		DATE ORGANI (2) GOV  REQUIR AMOUN REVENU  OPERAT CIP PRO	IZATION - (1)  'T. ENTITY (3  ES CITY EXPL T OF EXPENT JE TO BE REC	ENDITURE - (1) DITURE CEIVED	MISSION MMITTEE 				
ADMINISTRATIVE APPI	ROVAL:		<u>DATE</u>	<u>POSITION</u>					
				PRINCIPAL P	LANNER				
				DEPUTY DIR	ECTOR				
					OINT APPROVAL)				
				COMPTROLL	ŕ				
				FINANCE DIF	RECTOR				
				CITY ATTOR	NEY				
				CHIEF ADMI	NISTRATIVE OFFICER	?			
				COMMITTEE	CHAIRMAN				



### **Memphis City Council Summary Sheet**

- Description of the Item (Resolution, Ordinance, etc.)
   A JOINT ORDINANCE FURTHER AMENDING THE 2021 EDITION OF THE ICC INTERNATIONAL BUILDING CODE AND PREVIOUS LOCAL AMENDMENTS, INCLUDING CERTAIN APPENDICES.
- 2. Initiating Party (e.g. Public Works, at request of City Council, etc.)

  Division of Planning and Development
- **3.** State whether this is a change to an existing ordinance or resolution, if applicable. Ordinance will amend the Memphis and Shelby County Building Code.
- 4. State whether this requires a new contract, or amends an existing contract, if applicable.

This ordinance does not require a new contract nor amend an existing contract.

**5.** State whether this requires an expenditure of funds/requires a budget amendment. This ordinance does not require an expenditure of funds or budget amendment.



## A JOINT ORDINANCE FURTHER AMENDING THE 2021 EDITION OF THE ICC INTERNATIONAL BUILDING CODE AND PREVIOUS LOCAL AMENDMENTS, INCLUDING CERTAIN APPENDICES.

WHEREAS, The Shelby County Board of Commissioners and the Council of the City of Memphis seek to adopt and maintain a comprehensive set of coordinated Technical Codes and to update those Codes to assure the safe and effective construction of commercial buildings and structures in the Community; and

WHEREAS, Provisions of the Tennessee Code Annotated require local jurisdictions wishing to operate their own program for permitting and inspection of construction activities, rather than State control of those activities, to review and update their locally adopted Building and technical codes on a regular cycle to assure they are providing an adequate level of public safety; and

**WHEREAS**, it has been determined that it is necessary and prudent to revise local amendments to the code covering the construction of non-residential structures to conform with changes in state law; and

**WHEREAS,** The adoption of this updated Memphis and Shelby County Building Code will require the affirmative vote of the majority of the Shelby County Board of Commissioners and the Council of the City of Memphis as no new fine is established by this adoption and update.

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, TENNESSEE, That the 2021 Edition of the ICC International Building Code and relevant Appendices and previous amendments are hereby further amended by adoption of the local amendments attached to this Joint Ordinance as Exhibit A.

**BE IT FURTHER ORDAINED,** That the building code as so adopted and amended shall be known as the 2021 Memphis and Shelby County Building Code.

**BE IT FURTHER ORDAINED,** That the 2021 Edition of the *ICC International Building Code* and relevant Appendices are hereby amended by adoption of the local amendments attached to this Joint Ordinance as Exhibit A.

**BE IT FURTHER ORDAINED,** That the building code as so adopted and amended shall be known as the 2021 Memphis and Shelby County Building Code.

**BE IT FURTHER ORDAINED,** That should any part of this ordinance or code be found to be unlawful or unenforceable by a court of competent jurisdiction that such a determination will have no effect on the other portions of the adopted code and the amendments thereto.

**BE IT FURTHER ORDAINED,** That this Joint Ordinance shall take effect in the City of Memphis and the unincorporated areas of Shelby County on April 1, 2025, by virtue of the concurring and separate passage thereof by the Board of Commissioners of Shelby County and the Memphis City Council, or if not adopted by each legislative body by that date, then at the date of adoption by the last adopting body.

### **EXHIBIT A**

# Memphis

and

Shelby County

2021 Building Code

#### **Chapter I - Scope and Administration**

### I. <u>Section 101.I Title shall be deleted and replaced</u> with the following:

**101.I Title.** These regulations of the 2021 Edition of the International Code Council Building Code shall be known as the 2021 Memphis and Shelby County Building Code, part of the 2021 Technical Code for Memphis and Shelby County, Tennessee, hereinafter referred to as "this code."

2. <u>Section 101.2 Scope</u>. The exception of this section shall be amended to add the words "and large homes" after the word townhouses in the first sentence.

### 3. Section 101.2.1 Appendices shall be deleted and replaced with the following:

**101.2.1 Appendices.** Provisions in the appendices shall not apply unless specifically adopted. The provision in the following appendices shall apply.

Appendix A - Building Permit, Plans and Inspection Fees

Appendix C - Group U Agriculture Building

Appendix D - Fire District

Appendix F - Rodent Proofing

Appendix H - Signs

### 4. Section 101.3 Purpose is amended to add the following new sub-section:

**101.3.1 Quality control**. Quality Control of materials and workmanship is not within the purview of the Technical Codes except as it relates to the purpose stated herein.

### 5. Section 101.4 Referenced Codes is amended to add the following new sub-section:

**101.4.8 Electrical**. The provisions of the 2020 Edition of the National Electric Code, and local amendments thereto, shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto

### 6. <u>Section 101, Scope and Administration is amended</u> to add the following new Sub- section:

**101.5** Federal and state authority. The provisions of the Technical Codes shall not be held to deprive any Federal or State agency, or any applicable governing authority having jurisdiction, of any power or authority which it had on the effective date of adoption of the Technical Codes or of any remedy then existing for the enforcement of its orders, nor shall it deprive any individual or corporation of its legal rights as provided by law

#### Section 102 - Applicability

- 7. <u>Section 102.6 Existing structures is amended to delete the words "the International Property Maintenance Code" without replacement.</u>
- 8. Section 102.6.2, Buildings previously occupied, is amended to delete the words "or International Property Maintenance Code" after the words Fire Code without replacement.

**102.7 Requirements not covered by this code**. Any requirements necessary for the strength, stability, or proper operation of an existing or proposed structure or facility, or for public safety, health and general welfare, not specifically covered by this code, shall be determined by the Building Official.

**102.8 Additions, alterations or repairs.** Additions, alterations, renovations or repairs to any plumbing system shall conform to that required for a new plumbing system without requiring the existing plumbing system to comply with all of the requirements of this code. Additions, alterations or repairs shall not cause an existing system to become unsafe, unsanitary or overloaded.

Minor additions, alterations, renovations and repairs to existing plumbing systems shall be permitted in the same manner and arrangement as was in the existing system, provided such repairs or replacements are not hazardous and are approved

(EB] 102.9 Change in occupancy. It shall be unlawful to make a change in the occupancy of any structure which will subject the structure to any special provision of this code without approval of the Building Official. The Building Official shall certify that such structure meets the intent of the provisions of law governing building construction for the proposed new occupancy and that such change of occupancy does not result in any hazard to the public health, safety or welfare.

**[EB] 102.11 Historic buildings.** The provisions of this code relating to the construction, alteration, repair, enlargement, restoration, relocation or moving of buildings or structures and changes in occupancy shall comply with the requirements of the International Existing Building Code including Chapter 12 as locally amended.

### 9. Section 103 is amended to delete the entire section and replace with the following:

Section 103 - Code Compliance Agency - Memphis and Shelby County Office of Construction Enforcement

103 Creation of enforcement agency. Joint Resolution/ Ordinance #3333 was adopted and approved by the City of Memphis and the Shelby County legislative bodies, to create the Memphis and Shelby County Office of Construction Enforcement. This is a joint agency charged with enforcement of the Memphis and Shelby County Building Code, (including the Existing Building Code, Residential and Energy Conservation Code referenced therein), the Memphis and Shelby County Mechanical Code, the Memphis and Shelby County Fuel Gas Code, the Memphis and Shelby County Plumbing Code and this Code, which together are to be known as Memphis and Shelby County 2021 Technical Codes.

**103.I General.** The Building Official is hereby authorized and directed to enforce the provisions of the Technical Codes. The Building Official is further authorized and directed to render interpretations of the Technical Codes which are consistent with its spirit and purpose

#### 103.2 Employee qualifications.

**103.2.1 Building official qualifications and appointment.** As established by Ordinance #3333

**103.2.2** Chief inspector qualification. The Building Official, with the approval of the Administrator, may designate chief inspectors to administer the provisions of the Memphis and Shelby County 2021 Technical Codes. The qualifications of the Chief Inspectors shall be as established by Ordinance #3333.

**103.2.3 Inspector qualifications.** The Building Official, with the approval of the Administrator, may hire such numbers of officers, inspectors, assistants, and other employees as shall be authorized from time to time. For

employee minimum qualifications, see the Shelby County Administration Job Class Master.

103.2.4 Deputy building official qualifications. In accordance with the prescribed procedures of this jurisdiction, and with the concurrence of the appointing authority the Building Official may designate as his deputy an employee in the department who shall, during the absence or disability of the building Official, exercise all the powers of the Building Official. The Deputy Building Official should have the same qualifications listed in 103.2.2.

103.3 Restriction on employees. An officer or employee connected with the department, except one whose only connection is as a member of one or more of the Boards established by the Technical Codes, shall not be financially interested in the furnishing of labor, material or appliances for the construction, alteration, or maintenance of a building, structure, service, system or in the making of plans or of specifications thereof: unless he is the owner of such. This officer or employee shall not engage in any other work, which is inconsistent with the duties or conflicts, or may appear to conflict, with the interest of the department

### 10. <u>Section 105. Permits shall be deleted and replaced with the following:</u>

#### Section 105 - Permits

**105.1 Required**. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done shall first make application to the Building Official and obtain the required permit.

105.1.1 Permit required for appurtenances to buildings and other structures and apparatus. A permit shall be required to erect, install, alter, or repair any of the following list of building appurtenances, new structures, and apparatus, and shall include, but not be limited to, the following:

- 1. Conveyor systems (Permit and Inspection Fees rsakowski@walker-ent.comrsakowski@walker-ent.comrsakowski@walker-ent.comare as set for in section A-9 of the fee ordinance as set forth in Appendix A);
- 2. Racking systems/Shelving (Permit and Inspection Fees are as set for in section A-9 of the fee ordinance as set forth in Appendix A;
- 3. Process Piping System (Permit and Inspection Fees for Process Piping System will be as set forth in the fee ordinance as set forth in Appendix A)
- **105.1.2 Permits For Specific Structures**. A permit, and the payment of the appropriate fees, shall be required to erect, install, alter, or repair any of the following list of building appurtenances, new structures and apparatus, and shall include, but not be limited to, the following:

#### Mechanical Code /Electric Code /Plumbing Code-

- 1. Air Conditioning, heating, mechanical ventilating, blower, or exhaust systems
- Cooling towers
- 3. Fire Protection, sprinkler systems
- 4. Mechanical refrigeration systems

#### **Building Code/Electric Code/Plumbing Code**

1. Special events permit (See policy and procedures for requirements.)

- 2. Temporary construction trailers
- 3. Elevators

#### **Building Code/Electric Code/ Mechanical Code**

- 1. Generators; except outdoor self-contained units (no MC)
- Incinerator
- 3. Spray Booth

#### **Building Code/Electric Code**

1. Fire Alarms

#### Mechanical Code/Electric Code

1. Fire suppression systems including commercial kitchen hoods

#### Fuel Gas Code/Electric Code

Liquefied petroleum gas systems

#### **Plumbing Code**

- 1. Potable watersystems
- 2. Sewer private (Private Drive); (See policy and procedures for requirements.)
- Medical gas systems

Pemit and inspection fees for the above list shall be as set forth in the approved Local Fee ordinance as appropriate.

105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

- 1. Playhouses, treehouses and similar uses, provided the floor area does not exceed 120 square feet (11.15 M<sup>2</sup>)
- 2. Reserved
- Oil derricks
- 4. Retaining walls that are 3 feet (914 mm) in height or less as measured from the bottom of finished grade to the top of the wall, unless supporting a surcharge imposed by an adjacent structure or impounding Class 1, II or III-A liquids. Adjacent structures shall include but not be limited to permanent buildings and public roadways.
- 5. Free standing walls, not supporting a surcharge, that are 4 feet (1220 mm) in height or less as measured from the bottom of finished grade to the top of the wall.
- 6. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18,925
- L) and the ratio of height to diameter or width does not exceed 2 to 1.
- 7. Private one and two family residential sidewalks and driveways not more than 30 inches (762mm) above grade and not over any basement of story below and which are not part of an accessible route.
- 8. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
- 9. Temporary motion picture, television, and theater stage sets and scenery
- 10. Prefabricated swimming pools accessory to a Group R-3 occupancy, as applicable in Section 101.2, which are less than 24 inches (610mm) deep, do not exceed 5,000 gallons (18,925 L) and are installed entirely above ground.
- 11. Shade cloth structures constructed for nursery or agricultural purposes and not including service systems.
- 12. Swings and other playground equipment.
- 13. Window awnings supported by an exterior wall which do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support of Group R-3, as applicable in Section 101.2 and Group U occupancies.
- 14. Movable cases, counters and partitions not over 5 feet 9 inches (1753 mm) in height.
- 15. Multifamily reroofing projects with pitched roofing with a pitch greater than 3:12, where no decking, structural and/or equipment supports are modified.

- 16. All detached single-family reroofing projects where no decking, structural and/or equipment supports are modified.
- 17. Parking lot additions often (10) or less parking spaces.
- 18. Restriping and resurfacing exiting parking lots (even if additional parking spaces are created by the restriping).
- **105.2.1 Emergency repairs.** Where equipment replacement and repairs must be performed in an emergency situation, the permit application shall be submitted within the next five working days to the Building Official.
- 105.2.2 Repairs. Application or notices to the Building Official is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment to approved, permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting or any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include additions to, alteration of, replacement or relocation of any standpipe, water, supply, sewer, drainage, drain leader, gas soil, waste vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.
- **105.3 Application for permit.** To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the Office of Construction Code Enforcement for that purpose. Such application shall:
- 1. Identify and describe the work to be covered by the permit for which application is made.
- 2. Describe the land on which the proposed work is to be done by legal description, street address or similar descriptions that will readily identified and definitely locate the proposed building or work.
- 3. Indicate the use and occupancy for which the proposed work is intended.
- 4. Be accompanied by construction documents and other information as required in Section 106.3.
- State the valuation of the proposed work.
- 6. Be signed by the applicant, or the applicant's authorized agent.
- 7. Such other data and information as required by the Building Official.
- **105.3.1** Action on application. The Building Official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of the pertinent laws, the Building Official shall reject such application in 'writing, stating the reasons therefore. If the Building Official is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the Building Official shall issue a permit therefore as soon as practicable.
- **105.3.1.1** Action on permits. Permits shall be issued to a licensed and/or registered contractor who performs the work. If work is subcontracted both contractors shall be licensed and/or registered.

**Exception:** A building permit for construction of a single-family dwelling may be obtained by the property owner under provision of the state law related to such construction and limited thereby

**105.3.1.1.1 Project Information Panels.** Project information panels shall be provided for all construction and demolition projects that meet any one of the following criteria:

- 1. New construction or demolition of a building more than three (3) stories in height; or
- 2. New construction or demolition of a building with an average roof height more than 40 ft. above grade, excluding roof access structures or parapets; or
- New construction or demolition of a building covering 10,000 sq. ft. or more of lot space (regardless of height);
- 4. Any alteration of a building facade or any demolition activity which impacts the exterior of the building and is performed at a level above the third story or more than 40 feet above grade. Exception: Projects that involve less than three
- (3) one/two family dwellings do not require a project information panel.
- 5. All building expansion with removal of more than 25% of existing walls facing a public street, or a street-facing elevation if the parcel is landlocked; or removal of more than 50% of all existing exterior walls.
- **105.3.1.1.1.1** When required by section 105.3.1.1.1 the project infom1ation panel shall be obtained and presented to plan review personnel upon issuance of the building permit and shall meet the following guidelines.
- **105.3. 1.1.1.2** Project panels required by this section shall be exempt from the requirements of obtaining a sign permit.
- **105.3.1.1.2 Posting Requirements.** It is the responsibility of the contractor listed on the building permit and/or the owner to develop, install and maintain the project information panel.
- 105.3.1.1.2.1 The required panels shall be presented for review prior to issuance of the building permit and in place on the job site 24 hours prior to the start of construction or demolition activity and remain visible at the site until work is completed.
- **105.3.1.1.2.2** Panels shall remain legible and in good condition during the construction of demolition. Damaged panels must be replaced within 14 days of receipt of notice.
- **105.3.1.1.3 Installation.** A project information panel is required on each street frontage of the building. Where multiple major buildings are being constructed, demolished or structurally altered, a single panel is required on each street frontage.
- **105.3.1.1.3.1** The panel shall be prominently posted onsite in an area reasonably likely to draw attention of persons passing by and remain visible to the general public at all times.
- **105.3.1.1.3.2** The bottom of the panel shall be a minimum of 4 ft. above grade and the top of the panel shall be a maximum of 8 ft. above grade.
- **105.3.1.1.3.3** The panel shall be securely attached to the building, covered walkway, barrier, construction railing or construction fence or shall be mounted on posts or affixed to fencing by a minimum of six (6) zip ties. The panel shall be properly supported to prevent against wind loads and be free of sharp edges, protruding nails or similar hazards.
- **105.3.1.1.4 Required Information on Panels.** When a project information panels is required, the panel shall contain, as a minimum, the following information:
- Job address
- 2. Job Description
- 3. Construction hours as permitted by the jurisdiction in which the project is located. Construction hours for projects located in the City of Memphis will comply with ordinance #5660: 7:00 a.m. 6:00 p.m. Monday through

Friday; 8:00 a.m. - 4:00 p.m. Saturday; Construction prohibited on Sundays

- 4. Contractor's name and contact information
- 5. 24-hour contact infom1ation for urgent concerns
- 6. Phone number(s) for the Memphis Police Department and/or the Shelby County Sheriff's Department.
- 7. Estimated completion date
- 8. Other information if deemed necessary by the building official
- **105.3.1.1.5 Material.** The panel shall be constructed of durable and weather resistant material (i.e. corrugated plastic sign board or equivalent) capable of withstanding the elements for the project duration.
- **105.3.1.1.6 Size Requirements.** Each panel shall be a minimum of 2 ft. in height and 4 ft. in width, for lots up to 100 feet of frontage and a 4 ft. in height and 8 ft. in width for lots exceeding 100 feet of frontage.
- **105.3.1.1.7 Font Requirements.** The project information panel content shall be written in Calibri font or similar san serif font style, with letters a minimum of  $\frac{3}{4}$ " for 2 feet by 4 feet signs and I  $\frac{1}{2}$  inches in height for 4 feet by 8 feet signs as measured by upper-case letters.
- **105.3.1.1.8 Color Requirement.** Lettering shall be black or red on white or cream background unless otherwise approved.
- **105.3.1.2** Work authorized. A building, electrical, gas, mechanical or plumbing permit shall carry with it the right to construct or install the work, as shown in the drawings and set forth in the specifications filed with the application for the permit. When additional work is not shown on the drawings and covered by the specifications submitted with the application, additional permits shall be required.
- **105.3.2 Time limitation of application.** An application for a permit for any proposed work shall be deemed to have been abandoned six (6) months after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the Building Official is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.
- **105.4 Validity of permit.** The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the Building Official from requiring the correction of errors in the construction documents and other data. The Building Official is also authorized to prevent the occupation or use of a structure where in violation of this code or of any other ordinance of this jurisdiction.
- 105.5 Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit commences within six months after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of six (6) months after the time the work commenced. An approved inspection by the Department shall be the required evidence that such work has commenced or has not been suspended or abandoned. The Building Official is authorized to grant, in writing, one or more extensions of time, for periods not more than 90 days

- each. The extension shall be requested in writing and iustifiable cause demonstrated.
- **105.6** Suspension or revocation. The Building Official is authorized to suspend or revoke a permit issued under the provisions of this code wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or a violation of any ordinance or regulation or any of the provisions of this code. or if any one of the following conditions exist:
- 1. The permit is used for a location or establishment other than that for which it was issued.
- 2. The permit is used for a condition or activity other than that listed in the permit.
- 3. Conditions and limitations set forth in the permit have been violated.
- 4. There have been any false statements or misrepresentations as to the material fact in the application for permit or plans submitted or a condition of the permit.
- 5. The permit is used for a different person or firm than the name for which it was issued.
- 6. The permitee failed, refused, or neglected to comply with orders or notices duly served in accordance with the provisions of this code within the time provided therein.
- 7. The permit was issued in error or in violation of an ordinance, regulation or this code.
- **105.6.1 Unsafe building or systems.** All buildings, structures, electrical, gas, mechanical or plumbing systems which are unsafe, unsanitary, or do not provide adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use, constitute a hazard to safety or health, are considered unsafe buildings or service system. All such unsafe buildings, structures or service systems are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition.

#### 105.7 Reserved

**105.8 Special foundation permits.** When application for pem1it to erect or enlarge a building has been filed, and pending issuance of such permit, the Building Official may, at his discretion, issue a special permit for the foundation only. The holder of such a special pern1it is proceeding at his own risk and without assurance that permit for the remainder of the work will be granted or that corrections will not be required in order to meet provisions of the technical code.

#### 105.9 Contractor Responsibilities

105.9.1 General. In addition to the local requirements, contractors shall comply with the State of Tennessee Contractor's License Law & Rules and Regulations: TCA, Title 62 Chapter 6. This includes specifically TCA 62-6-103 entitled " License requirement" in subsection (B) which states "Except in counties with a population of not less than seven hundred seventy seven thousand one hundred thirteen (777,113) according to the 1980 federal census or any subsequent federal census, a person or firm specified in subdivision (a)(2)(A) shall not make more than one (I) application for a permit to construct a single residence or shall not construct more than one (1) single residence within a period of two (2) years. There shall be a refutable presumption within that such person or fim1 intends to construct for purpose of resale, lease, rent or any other similar purpose if more than one (I) single residence is constructed within a period of two (2) years. No provision of this subdivision shall be construed to alter the definition of "contractor" as defined in Section 62-6-

#### 105.9.2 Bonding

- 105.9.2.1 financial Assurance In order to enhance enforcement of technical code provisions, every person doing business in Memphis and Shelby County as a registered and/or licensed building/structure mover or demolition contractor shall file with the building official a bond or irrevocable letter of credit acceptable to the building official in the penal sum of \$25,000, and issued by an incorporated insurance company authorized to do business in the State of Tennessee. Upon arrival of said bond or letter of credit, the person desiring to do such work shall secure from MSCCE a registration to do business, which shall run concurrent with the fiscal policy of such authority.
- 105.1.1.1.1 Conditions The conditions of the bond shall be that the principle and surety shall indemnify the City of Memphis and the County of Shelby for their own use, and/or to any citizen against loss by improper compliance with the technical codes and any other law or ordinance governing such work: that the principal will suffer no work to be done without a permit, and will report work done for inspection by the building official in confinity with the technical codes.
- 105.9.3 Contractor registration and/or licensing. It shall be the duty of every contractor who shall make contracts for the installation or repairs of building, structure, electrical, mechanical, gas, or plumbing systems, for which a permit is required, to comply with the state or local rules and regulations concerning the registration and/or licensing which the applicable governing authority may have adopted.

#### 105.9.3.1 Registration Packet - Contractors

shall complete a license registration packet supplied by MSCCE and submit the following and fees before issuance of pern1its shall occur:

- l. Copy of Tennessee Contractors License
- A copy of an affidavit letter from the State of Tennessee Contractors Board to verify the Qualifying Agent
- 3. Contractors licensed by the State shall obtain a contractor registration packet from the Licensing Section of Shelby County Construction Code Enforcement which includes the following:
  - a. <u>Building Contractor Registration</u> form. When completing, enter name (as listed on State Certificate), mailing address, and telephone number with area code.
  - b. A <u>Construction Code Enforcement Input Document</u> for entering the qualifying agent's information.
  - c. A <u>Special Power o(Attorney</u> form to be used in the event of permits being pulled at the absence of the qualifying agent. Only two Power of Attorney attachments may be added to each license holder (make copy if needed).
  - d. A <u>Construction Code Enforcement Input Document</u> for entering the person(s) receiving power of attorney (make an additional copy if needed).
  - e. Completed input document(s) for any individual(s) listed in the application must include photo I.D.
- **105.9.3.1.1 Registration** Fee General Contractors shall submit a registration fee of \$50 when submitting a registration packet.
- **105.9.3.1.1.1 Renewal Fee** License registration will expire each December 31 and a renewal fee of \$50 will be due to maintain registration in good status.

### 11. <u>Section 107.3.4 is amended to add the following new sub-section:</u>

**107.3.4.2 Design professional.** - The Design Professional shall be an architect or engineer legally registered under the laws of this state

### 12. <u>Section 109.2 - Schedule of Permit Fees is</u> amended to add the following new sub- section:

**109.2.1 Building permits, transfer devices, plans and inspection fees.** The fees charged shall be in accordance with the schedule and information set forth in the Fee Ordinance for Memphis and Shelby County. Relevant portions addressing building fees, refunds and other related areas of this code are found in Appendix A.

### 13. <u>Section 110, Inspections is amended by adding the following new sub-sections:</u>

- 110.7 Re-Inspection fees for excessive or repeat inspection calls. When an Inspector rejects an inspection of part or all of a building, electrical, gas, mechanical and/or plumbing system or equipment due to the work being in violation or incomplete, or no plainly visible street address is posted on the job site, an additional fee shall be as set forth in the Fee Ordinance, and as shown in Appendix A, and charged for reinspection of the same infraction and each re-inspection thereafter until the infraction is corrected.
- **110.7.1 Re-inspection appeal.** Any person, firm or corporation aggrieved by the assessment of any reinspection fee may appeal to the Chief Inspector for a review of the facts involved and a possible reduction in or dismissal of said fees.
- **110.7.2 Time to pay.** Re-inspection fees shall be paid before the next inspection
- **110.8** No warranty to be construed. The inspection of any building, system or plans by any jurisdiction, under the requirements of the Technical Codes, shall not be construed in any court as a warranty of the physical condition of such building, system or plans or their adequacy. No jurisdiction or any employee thereof shall be liable in tort for damages for any defect or hazardous or illegal condition or inadequacy in such building, system or plans, or for any failure of any component of such, which may occur subsequent to such inspection or permitting.
- **110.9 Assistance from other agencies.** The assistance and cooperation of police, building, fire and health department officials and all other officials shall be available as required in the performance of duties.
- 14. <u>Section 111 Certificate of Occupancy is amended to add the following new sub- sections:</u>
- 111.5 Posting of the Certificate of Occupancy. The certificate of occupancy shall be posted in a conspicuous space and available for examination.
- 111.6 Certificate of completion. Upon satisfactory completion of a building, structure, electrical, gas, mechanical or plumbing system, a certificate of completion may be issued. This certificate is proof that a structure or system is complete and for certain types of permits is released for use and may be connected to a utility system. This certificate does not grant authority to occupy a building, such as a shell building, prior to the issuance of a certificate of occupancy.
- 15; <u>Section 113 Means of Appeal is amended to delete the entire section and replace with the following:</u>

#### Section 113 - Means of Appeal

**113.1 Membership of Joint Board of Appeals.** The Memphis and Shelby County Joint Board of Appeals shall consist of a total of 17 appointed and 2 ex-officio members. Those appointed members, not employees of any government unit, are as follows.

#### 113.1.1 Composition of board. Membership

shall include representatives from the following classes:

- 1. Tennessee Licensed Architect
- 2. Tennessee Licensed Structural Engineer
- 3. Tennessee Licensed Building Contractor
- 4. Licensed Electrical Engineer
- 5. Licensed Electrical Contractor
- 6. Licensed Elevator Contractor or Manufacturer
- 7. Licensed Heating and Air Condition Contractor
- 8. Licensed Mechanical Engineer
- 9. Licensed Plumbing Contractor
- I 0. Licensed Residential Contractor
- 11. Fire Prevention Representative
- 12. Licensed Fire Protection Contractor
- 13. Citizen-at-large
- 14. Member of the Building Code Advisory Board (Chairperson or Board Member appointed by the Chairperson)
- 15. Member of the Electrical Code Advisory Board (Chairperson or Board Member appointed by the Chairperson)
- 16. Member of the Mechanical Code Advisory Board (Chairperson or Board Member appointed by the Chairperson)
- 17. Member of the Plumbing Code Advisory Board (Chairperson or Board Member appointed by the Chairperson)
- 113.1.2 Appointed Ex-Officio Members. After

the above categories of members have been appointed, the Mayors shall appoint such other person as each may deem qualified to serve as ex-officio members.

113.I.3 Other Ex-Officio Members. In

addition, the building official of the City of Memphis and Shelby County and the fire Marshall of the City of Memphis shall serve as ex-officio members without a vote.

- **113.2 Appointments.** All appointed members of
- the Board shall be appointed by both Mayors and approved by the Memphis City Council and Shelby County Board of Commissioners.
- **113.3 Term of office.** The tem1 of office of the board members shall be staggered so no more than 1/3 of the Board is appointed or replaced in any 12 month period. The two alternates, if appointed, shall serve one year terms.
- 113.3.1 Filling unexpired terms and service without pay. Vacancies shall be filled for the unexpired term in the manner in which the original appointments are required to be made. All appointed Board members shall be residents of Shelby County and shall serve without pay.
- **113.3.2 Oath.** All members shall qualify and take an oath to uphold the Constitution of the United States and the State of Tennessee and faithfully discharge the duties of their office.

#### 113.3.3 Absence shall be cause for removal.

Continued absence of any member from required

meeting of the Board shall, at the discretion of the applicable governing body, render any such member subject to immediate removal from office.

- 113.4 Quorum and Voting. A simple majority of the Board shall constitute a quorum. In varying any provision of this code, the affirmative votes of % members present, but not less than five affirmative votes, shall be required. In modifying a decision of the building official, not less than five affirmative votes of the members present. In an approving an equal to or better method, the majority affirmative votes shall be required. In the event that regular members are unable to attend and a quorum is not present, the Building Official shall be empowered to appoint alternative members to obtain a quorum.
- 113.5 Absence of Members. During absence of a member by reason of disability or disqualification, the Administrator shall designate a qualified substitute. However, 3 successive unexcused absences from any regular or special meetings shall be grounds for termination at the will and pleasure of the appointing Mayor without the necessity of a hearing and the action shall be final.
- 113.6 Chairperson and Vice Chairperson of the Joint Board of Appeals. At the first meeting of each year, the Board shall select one of its members to serve as Chairperson for the year, and one of its members to serve as Vice Chairperson.
- 113.7 Secretary of the board. The Building Official shall act as secretary of the Board and shall make a detailed record of all of its proceedings, which shall set forth the reasons for its decisions, the vote of each member, and the absence of a member and any failure by a member to vote.
- **113.8 Power.** The Joint Board of Appeals shall have power, as further defined in sections 112.9.1 and 112.10 of the technical codes to hear appeals of decisions and interpretations of the Building Official and consider variances of the technical codes.
- 113.9 Appeals
- **113.9.1 Decisions of the Building Official.** The owner of a building, structure or service system, or his duly authorized agent, may appeal a decision of the Building Official to the Joint Board of Appeals whenever any one of the following conditions are claimed to exist
- 1. The Building Official rejected or refused to approve the mode or manner of construction proposed to be followed or materials to be used in installation or alteration of a building, structure or service system.
- 2. The provisions of this code do not apply to this specific case
- 3. That an equally good or more desirable form of construction can be employed in any specific case.
- 4. The true intent and meaning of the code or any of the regulations thereunder have been misconstrued or incorrectly interpreted
- 113.10 Variances. The Joint Board of Appeals, when so appealed to and after hearing, may vary the application of any provision of this code to any particular case when, in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of this or the technical codes or public interest, and also finds all of the following:
- 1. That special conditions and circumstances exist which are peculiar to the building, structure or service system involved and which are not applicable to others.

- 2. That the special conditions and circumstances do not result from the action or inaction of the applicant;
- 3. That granting the variance requested will not confer on the applicant any special privilege that is denied by the code to other buildings, structures, or service systems.
- 4. That the variance granted is the minimum variance that will make possible the reasonable use of the building, structure or service system
- 5. That the grant of the variance will be in harmony with the general intent and purpose of this code and will not be detrimental to the public health, safety and general welfare.
- 113.11 Conditions of the variance. In granting the variance, the Board may prescribe a reasonable time limit within which the action for which the variance is required shall be co1m11enced or completed or both. In addition, the board may prescribe appropriate conditions and safeguards in conformity with this code. Violations of the conditions of a variance shall be deemed a violation of this code.
- **113.12 Notice of appeal.** Notice of appeal shall be in writing and filed within 30 calendar days after the decision is rendered by the Building Official. Appeals shall be in a form acceptable to the Building Official, and shall be accompanied by a fee of \$125.
- 113.13 Unsafe or dangerous building or service system. In the case of a building, structure or service system which in the opinion of the building official is unsafe, unsanitary or dangerous, the Building Official may, in his order, limit the time for such appeals to a shorter period.

#### 113.14 Procedures of the board

- **113.14.1 Rules and regulations.** The Board shall establish rules and regulations for its own procedure not inconsistent with the provisions of this code. The board shall meet on call of the Chairperson. The Board shall meet within 30 calendar days after notice of appeal has been received.
- 113.15 Decisions. The Joint Board of Appeals shall, in every case, reach a decision without unreasonable or unnecessary delay. Each decision of the Board shall also include the reasons for the decision. If a decision of the Board reverses or modifies a refusal, order or disallowance of the Building Official or varies the application of any provision of this code, the building official shall immediately take action in accordance with such decision. Every decision shall be promptly filed in writing in the office of the building official and shall be open to public inspection. A certified copy shall be kept publicly posted in the office of the building official for two weeks after filing. Every decision of the board shall be final; subject however to such remedy as any aggrieved party might have at law or in equity.

### 16. <u>SECTION 114 - Violations is amended to add the following new sub-sections:</u>

**114.5 Abatement of violation.** The imposition of the penalties herein proscribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to prevent unlawful construction or to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building or structure on any premises.

- **114.6 Prohibition of interference.** Any person interfering with the Building Official or his assistants **in** the perfom1ance of their duties shall be guilty of a violation of this code.
- Withholding permits. The failure to respond to 114.7 official correspondence from the Building Official or his designee after registered mailing by said Board to the contractor's address of record (record with the Office of Construction Enforcement) shall be deemed a sufficient reason to withhold pem1its, and every contractor shall be held responsible for the violation of the Technical Codes by his employees. Permits shall be issued only to a licensed and/or registered contractor. No permit shall be issued to any licensed and/or registered contractor during the time that he shall fail to remedy defective work or fail to call for inspections after being informed by the Building Official or his designee that he has been held responsible therefore under the Technical Codes. Any other violation of the Technical Codes shall also be grounds for withholding

#### 114.8 Code Does Not Affect Liability For Damages.

- 114.8.1 Responsibilities. The Technical Codes shall not be construed to affect the responsibilities or liabilities of any person owning, operating, controlling or installing material, devices, appliances, or equivalent for damages to persons or property caused by any defects therein, nor shall the City of Memphis and/or Shelby County be held to assume any such liability by reason of the approval of any material, device, appliance, or equipment authorized herein.
- 114.8.2 Governmental purpose of technical codes. The regulations provided in the Technical Codes and/or Ordinances are hereby declared to be governmental and for the benefit of the public. Any member of the governing bodies of Memphis or Shelby County, or any official or employee, or board member charged with the enforcement of the Technical Codes acting for the City and County in the discharge of his duty, shall not thereby render himself personally liable, and he is hereby relieved from all personal liability for any damage that may accrue to persons or property as the result of an act required or permitted in the discharge of his duties. Any suit brought against such official or employee, because of such act performed by him in the enforcement of any provision of the Technical Codes shall be defended by the County and/or City Attorney until the final adjudication of the proceedings.

#### 114.9 False representation

- **114.9.1 Inspector.** It shall be a violation for persons not employed by the authority having jurisdiction established in State statute and local ordinances, to represent themselves to the public as an inspector.
- **114.9.2 Inspections not prohibited.** This section does not preclude licensed engineers and contractors from making inspections as required in performing their duties.
- 114.10 Concealed improper or defective building, electrical, gas, mechanical and/or plumbing systems. Any person intentionally concealing from view improperly connected joints or any defective or substandard construction work including but not limited to, spliced wires, piping, gas lines, framing, etc., shall be guilty of a violation and punishable by a fine as provided in Section 113.4 and
- 114.11 Removal of defective work. Construction work installed in violation of the Technical Codes or in an otherwise unlawful manner, shall be removed in its entirety on order, in writing, from the Building Official or his duly authorized representative and shall be reinstalled in a lawful manner as prescribed by the Technical Codes
- 114.12 Conspiracy to evade code requirements. Any

person licensed under this Code who conspires with another person or firm to evade any of the provisions of this chapter or other ordinances or laws governing the building code shall have that license suspended or revoked, either temporarily or permanently, by the Building Code Board upon submission of proof that such conspiracy exists or did exist. 114.13 Advertising by name. It shall be a violation for any person, firm, corporation or any other business that engages in, seeks to engage in, or follows the business or occupation of contracting to advertise in any form or media under any name other than the same company name on the application the licensed or Certified State Contractor has on file with the Office of Construction Enforcement.

17, <u>Chapter 1 SCOPE AND ADMINISTRATION</u> is amended to add the following new sections and subsections:

#### Section 117 - Street numbers for building and lots

- 117.1 Required. Every main entrance to every building, suite (each tenant space) and every lot fronting upon any street within Shelby County shall bear and be known by an official street number assigned by Memphis Light Gas and Water Division.
- 117.2 No fractional numbers allowed. There shall be no fractional street numbers.
- 117.3 Attaching, stenciling, or painting numbers. Every person owning or occupying any house or building fronting on any street in Shelby County shall, prior to occupancy, have the proper number attached to, stenciled, or painted on the front part of such house or building over, on or by a main entrance in such manner that the number shall be plainly visible from the street. Such street numbers shall conform with this Section. If because of the setback of the house or building, or for any other reason, the number cannot readily be seen from the street, then the occupant shall, in addition to the provisions above position numbering so that it is clearly visible from the street
- **117.4 Display of incorrect number.** It shall be unlawful for any person to display any false or incorrect house or lot number knowingly and willfully or with the intention to deceive another person.

Section 118 - Zoning letters, compliance letters, damage restoration statements, board of adjustment rejection letters and other requested verification letters.

116.1 Availability and fee. Zoning Letters, compliance letters, damage restoration statements, Board of Adjustment rejection letters and other requested verification letters requiring research by the Office of Construction Code Enforcement are available from Office of Construction Enforcement. A written request for a letter from the Office of Construction Enforcement shall include the project address, project location (the distance and relationship to an intersecting street), the company name and the year of occupancy of subject property. A fee as set forth in Appendix A, section 22 shall accompany the request for each letter and an additional fee shall be charged for photocopies. The requested information shall be processed within three working days.

#### Section 119 Reserved

#### Section 120 - Building Code Advisory Board

**120.1 Scope.** The public safety requires that persons

engaged in the construction, alterations, repair, equipment, use and occupancy, location, maintenance, removal and demolition, of every building or structure and any appurtenances connected or attached to such buildings or structures be qualified to perform such duties competently and in compliance with the Technical Codes. The introduction of new materials and assemblies, recommendations of the contractors and other circumstances may require the change in the Technical Codes, and since the Administrator, Building Official or Chief Inspectors may require professional, qualified and experienced consultants to advise them in matters pertaining to construction work, the Building Code Advisory Board is established.

**120.2. Duties of the Building Code Advisory Board.** The duties of the Board shall consist of the following:

- 1. Recommend new materials or assemblies of materials for acceptance and approval or rejection.
- 2. Recommend changes in the Technical Codes.
- 3. Act as advisors to the Administrator, Building Official and Chief Inspectors and any other way **in** which their services may be requested.
- 4. Develop orderly procedures for reviewing complaints and violations and when necessary recommending the suspension or revocation the licenses of or otherwise disciplining a license holder
- 5. Recommending licensing, registration and examination fee charges to the Administrator when appropriate.
- 6. Assisting in the review of the schedule of fees for inspections and permitting of activities as requested.

120.3 Membership of the Building Code Advisory Board. The Building Code Advisory Board shall consist of 12 appointed members, who shall serve for a period of three years with their terms staggered so that no more than 4 terms expire in any one year. All appointed members of the Board shall be appointed by either the Mayor of Memphis or the Mayor of Shelby County and approved respectively by the City Council of Memphis or the County Commission. Each Mayor will make half the appointments that are to be made each year. The Building Official and the Chief Building Inspector shall serve as ex-officio members without a vote. Additionally, representatives of the MLGW, Fire Marshall's Office for the City of Memphis and for the County of Shelby, shall serve as ex-officio members without a right to vote.

**120.3.1** Composition of the Building Code Advisory Board. The membership of the Building Code Advisory Board shall include the following:

Two (2) stale of Tennessee licensed architects Two (2) state of Tennessee licensed engineers (structural)

Two (2) state of Te1messee licensed contractor primarily doing residential work

A state of Tennessee licensed contractor primarily doing commercial work

A state of Tennessee licensed contractor primarily doing industrial work

A state of Tennessee licensed equipment manufacturer or supplier

A state of Tennessee licensed engineer (mechanical) A fire prevention representative

A citizen member

**120.2.2.1 Other members.** After the above categories have been appointed, the Mayors may appoint such

other person as each may deem qualified to serve as exofficio members.

- **120.3 Absence of members.** During absence of a member by reason of disability or disqualification, the Administrator or Building Official shall designate a qualified substitute. However, 3 successive unexcused absences from any regular or special meetings shall be grounds for termination at the will and pleasure of the appointing Mayor without the necessity of a hearing and such action shall be final.
- 120.4 Chairperson, Vice-Chairperson, and Secretary to the Building Code Advisory Board. At the first meeting of each year, the Board shall select one of its members to serve as Chairperson for that year and one of its members to serve as Vice-Chairperson. The Building Official shall serve as Secretary for the Board. The chairperson of the meeting shall be excluded from any vote at that meeting except to break a tie. The Chairperson or Vice-Chairperson, or selected board member of the Building Code Board shall serve on the Joint Board of Appeals.
- **120.5 Meetings of the Board.** The Board shall be subject to meetings at the call of the Chairperson, the Administrator or the Building Official. Each member shall be given 5 days notice before the date of any called meeting.
- 120.6 Decisions and findings of the board
- **120.6.1** Administrative issues. The Board shall report its decisions, findings and recommendations in writing to the Administrator, who, **if** he approves, shall cause recommendations concerning the administration of the OCCE to be proposed for enactment.
- **120.6.2 Technical issues.** The Board shall rep01i its decisions, findings and recommendations in writing to the Building Official, who, if he approves, shall cause recommendations concerning the technical codes of the OCCE to be enacted.
- **120.7 Quorum.** A simple majority of the Board shall constitute a quorum. In the event that the regular members are unable to attend and a quorum is not present, the Administrator or the Building Official shall be empowered to appoint alternate members to obtain a quorum.
- **120.7.1 Minutes of Meetings.** The Administrator or Building Official shall designate one of the employees of the OCCE to complete accurate minutes at each meeting and make them available to the Board members.

#### 18. Add The Following Definitions To IBC Section 202 Entitled "Definitions":

**Board of Appeals.** Whenever the term "Board of Appeals" is used in this Code, it shall mean the Joint Board of Appeals of Memphis and Shelby County.

**Building Contractor Registration.** The term Building Contractor Registration as used in this Code is defined to include any person, firm, or corporation whose principal business is to, or performing, any of the following: erect, construct, enlarge, alter, repair, move, improve, convert, or demolish any building or structure in the applicable jurisdiction, or cause the same to be done.

**Chief Appointing Authority.** Whenever the term "Chief Appointing Authority" is used in the Technical Codes herein adopted, it shall mean the Mayors of the City of Memphis and County of Shelby, Tennessee.

**City, Municipality, or Governing Body.** Whenever the word "City" or "Municipality" or "Governing Body" is used in the Technical Codes herein adopted, it shall mean the City of Memphis and County of Shelby, Tennessee.

**Department of Building Safety.** Whenever the words "Department of Building Safety" is used in the Technical Codes herein adopted, it shall mean the Memphis and Shelby County Office of Construction Enforcement.

**Family.** In addition to customary domestic servants, either:

- I. An individual or 2 or more persons related by blood, marriage, or adoption, maintaining a common household in a dwelling unit; or
- 2. A group of not more than four (4) persons who are not related by blood, marriage, or adoption, living together as a common household in a dwelling unit; or
- 3. A group of eight (8) or fewer unrelated mentally retarded, mentally handicapped, or physically handicapped persons which may include three (3) additional persons acting as house parents, who need not be related to each other or to any of the mentally retarded, mentally handicapped, or physically handicapped persons residing in the house, living together as a common household in a dwelling unit and licensed by either the state departments of Health or Mental Health and Developmental Disabilities.
- "Mentally handicapped" does not include persons who are mentally ill and because of such illness, pose a likelihood of serious harm as defined in Tenn. Code Ann. Sec. 33-6-104, or who have been convicted of serious criminal conduct related to such mental illness; and
- "Physically handicapped" shall include persons who, due to age or infirmity, are physically in need of residential home care.

**I<'ree Standing Wall.** A manmade structure built out of rock, block, timber, concrete, or other similar material which does not either directly support retained material or serve as a facing of a cut slope.

**International Building Code.** Whenever the words "International Building Code" are used in this code herein adopted, it shall mean the 202] International Code Council International Building Code and will be known as the Memphis and Shelby County Building Code (MSCBC).

**International Electrical Code.** Whenever the words "International Electrical Code" are used in this code herein adopted, it shall mean the 2020 National Electrical Code (NEC) with Local Amendments and will be known as the Memphis and Shelby County Electrical Code (MSCEC).

**International Energy Conservation Code.** Whenever the words "International Energy Conservation Code" are used in this code herein adopted, it shall mean the 2018 International Code Council International Energy Conservation Code with Local Amendments and will be known as the Memphis and Shelby County Energy Conservation Code (MSCECC).

**International Existing Building Code.** Whenever the words "International Existing Building Code" are used in this code herein adopted, it shall mean the 2021 International Code Council International Existing Building Code with Local Amendments, and will be known as the Memphis and Shelby County Existing Building Code (MSCEBC).

**International Fire Code.** Whenever the word "International Fire Code (IFC)" is used in this code as adopted, it shall mean all the 2021 Edition of the *ICC International Fire Code* with local amendments as adopted by the Memphis City Council for the City of Memphis and the Shelby County Commission for unincorporated Shelby County and will be known as the Memphis and Shelby County Fire Code (MSCFC)

**International Fuel Gas Code.** Whenever the words "International Fuel Gas Code" are used in this code herein adopted, it shall mean the 2021 International Code Council International Fuel Gas Code with Local Amendments and will be known as the Memphis and Shelby County Fuel Gas Code (MSCFGC).

**International Mechanical Code.** Whenever the word "International Mechanical Code" is used in this code herein adopted, it shall mean the 2021 International Code Council International Mechanical Code with Local Amendments and will be known as the Memphis and Shelby County Mechanical Code (MSCMC).

**International Plumbing Code.** Whenever the words "International Plumbing Code" are used in this code herein adopted, it shall mean the 2021 International Code Council International Plumbing Code with Local Amendments and will be known as the Memphis and Shelby County Plumbing Code (MSCPC).

**International Residential Code.** Whenever the words "International Residential Code" are used in this code herein adopted, it shall mean the 2021 International Code Council International Residential Code with Local Amendments and will be known as the Memphis and Shelby County Residential Code (MSCRC).

**Large Home.** A building with three-family or four-family dwellings where structures are under five thousand square feet (5,000) in area and less than three (3) stories in height and where two-hour fire -resistive-rating for wall, floor and ceiling separation assemblies is met not mandated to install an automatic fire sprinkler system

#### 21. Add Exception #1 Under IBC Section 404.7 Entitled "Standby Power"

**Exception 1.** Except that system supervision devices with manual start and transfer features shall be provided in a location approved by the Building Official.

- 22. Amend Table 705.8 "Maximum Area Of Exterior Wall Openings Based On .Fire Separation Distance And Degree Of Opening Protection" Referenced Footnotes To Add Footnote "L" And Have It Apply To The Last Five Distance Measurements In The First Column Entitled "Fire Separation Distance". As Follows:
- I. In one story, Group S occupancies, used for mini-storage warehousing, a heat detection system installed in accordance with NFPA 72 with a central station, may be installed in lieu of the limitation of openings as specified by Table 705.8 for those buildings with a separation distance of at 10 feet or more.

#### 23. Add IBC Section 903.2.13 As follows:

**903.2.13 Buildings in unincorporated areas.** Buildings in the unincorporated areas of Shelby County are subject to review by the Shelby County Fire Prevention Department.

### 24 Add A Sixth and Seventh Condition To IBC Section 1006.3.4 Entitled ..Single Exits" These Conditions are not interchangeable. As Follows:

- 6. A single means of egress from an occupied roof, otherwise known as a roof deck platform (RDP), shall be allowed when all of the following conditions exist:
- 6.1 The stairway serving the RDP shall have a minimum of two-hour fire-resistance- rated enclosure with "B" labeled doors and frames. The stairway serving the
  - RDP shall also have smoke detectors on the corridor side of each interior door to the stair.
- 6.2 An audible/visual device shall be installed to notify all the occupants on the RDP when activated by either smoke detectors or in the case of a building equipped with an automatic sprinkler system, water flow.

- 6.3 Emergency lighting, exit lights and directional exit lights, if required by the building official shall be required.
- 6.4 The capacity of the RDP shall be calculated as 15 Sq. Ft. /Person and shall not exceed 50 persons. The maximum allowable occupancy load shall be posted on or adjacent to the exit.
- 6.5 When cooking equipment is provided, it shall be located a minimum of ten feet from the stairway and it shall be located on a fixed non-combustible surface with at least three feet of clearance all around the cooking equipment.
- 6.6 The travel distance from the most remote point of the RDP to the stair shall not exceed seventy-five (75) feet.
- 6.7 The maximum allowable size of an RDP when served by a single stair is seven hundred and fifty (750) square feet.
- 7.0 Groups R-2 shall not prohibit less than six (6) stories R-2 Occupancy, as defined in the 2021 International Building Code, to be served by a single exit if all the following conditions are met:
  - 1. The building has not more than six (6) stories above grade plane;
  - 2. The building does not contain more than four (4) dwellings units on any floor;
  - 3. An exterior stairway or interior exit stairway is provided;
  - 4. A corridor separates each dwelling unit entry/exit door from the door to an interior exit stairway, but may open directly into an exterior stairway;
  - 5. There is not more than twenty (20) feet of travel to the exit stairway from the entry/exit door of any dwelling unit;
  - 6. Travel distance measured in accordance with Section 1017 of the 2021 IBC does not exceed on hundred twenty-five (125) feet;
  - 7. Other occupancies in the same building do not communicate with the R occupancy portion of the building or with the single-exit stairway. For this purpose, parking garages and occupied roofs accessory to the R occupancy may communicate with the exit stairway;
  - 8. The exit serving the Group R Occupancy does not discharge through any other occupancy, including an accessory parking garage;
  - 9. There are no openings within ten (10) feet of unprotected openings into the stairway other than required exit doors having a one-hour fire-resistive rating.

#### 25. Add Exception. #6, #7, #8 And #9 Under IBC Section 1020.2 Entitled "Construction" As Follows:

- 6. An unobstructed path of travel through a space in Group B, F and S occupancy greater than six feet (6') wide, which requires a minimum aisle width of 44 inches, shall not require a fire rating.
- 7. In Group B, F and S buildings not exceeding six stories, a corridor within a tenant space with a smoke detection system installed per NFPA 72 shall not require a fire rating exit access corridor.
- 8. Fire rated reception room entry doors are not required when opening onto fire rated halls, corridors and exit access provided:
  - a. Reception room is separated from the tenant space it serves by one- hour construction.
  - b. The reception room shall not exceed 250 square feet.
- 9. A glass wall forming a smoke partition may be used in lieu of a required one-hour, fire- resistant wall where the building is protected throughout by an electrically-supervised automatic sprinkler system and where automatic sprinklers are spaced six feet (6') or less along both sides of the separation wall and not more than one foot (1') away from the glass and designed so that the entire surface of the glass is wet upon activation of the sprinkler system. The glass shall be laminated safety glass and shall be in a gasketed metal frame installed so that the framing system may deflect without breaking the glass before the automatic sprinkler system operates. The doors shall be labeled as per Tables 716.3 and 716.5 or laminated safety glass with self-closing and latching hardware.

#### 26. <u>Delete IBC Section 1809.4 Entirely "Depth and Width of Footings" And Substitute The Following:</u>

**1809.4 Depth and width of footings.** The minimum depth of footings below the undisturbed ground surface shall be 13 inches (331 mm). Where applicable, the requirements of Sections 1809.5 shall also be satisfied. The minimum width of footings shall be 12 inches (305 mm).

#### 27. 3001.l is amended to add the following new sub-section:

**3001.1.1 Transfer device.** - Whenever the term "transfer device(s)" is used in the Technical Codes, the meaning of the term shall include elevators, escalators, dumbwaiters, moving walks, stairlifts, chairlifts and automatic transfer devices.

# 28. <u>IBC Chapter 30 Elevators and Conveying Systems is amended to add the following new sections and sub-sections: Section 3009 Entitled "Installing Agency And Enforcement" And All the Sections Thereunder As Follows:</u>

#### 3009 Installing agency and enforcement

**3009.1 Qualified installing agency.** Installation, replacement, and repair of transfer devices within the meaning of the Technical Codes is to be performed only by a qualified, licensed and registered entity. By the term "qualified, licensed, and registered" entity: it is meant any individual, firm, corporation, or company which is engaged in and is responsible for the installation, replacement, or repair of elevators, escalators, dumbwaiters, moving walks, amusement devices, stairlifts, chair lifts, and material lifts and who is experienced in such work, familiar with all precautions required, and has complied with all the requirements of the MSCCCE and the Technical Codes.

#### 3009.2 Building official, deputies, and special inspectors

**3009.2.** I Experience required. The Building Official and assistants as may be necessary in the proper performance of the duties of the office shall be appointed by the administrator of the Memphis and Shelby County Construction Code Enforcement (MSCCCE). Any assistants assigned to perform inspections under the Technical Codes shall be licensed elevator inspectors or have had at least 5 years practical experience as a mechanical engineer or in the elevator industry in the erection, operation, installation, or repair of such machinery or equipment.

**3009.2.2 Transfer device reports.** The Building Official and/or licensed assistant inspector shall make inspections of all transfer devices as provided for in this Chapter. They shall make daily, monthly and annual reports as may be required by the MSCCCE.

#### 3009.3 Inspectors License

**3009.3.1 Requirements.** A licensed transfer device inspector must be an employee of the Memphis and Shelby County Office of Construction Code Enforcement, and such person has satisfied the Mechanical Board that he/she has had the experience required by IBC Section 3007.2J and has passed a written examination given by the Board testing his knowledge of the Technical Codes or has passed the ASME QEI test for Elevator Inspectors. Anyone holding a license as an inspector from a state or local governmental entity that has a qualification standard and examination standard substantially equal to that provided for within this IBC Section may conduct inspections authorized by the Building Official or his authorized assistants.

#### 3009.4 Inspection Reports

**3009.4.1 Time for report.** A report of required inspection shall be filed with the Building Official by the inspector who perfom1s the inspections on a form approved by the Building Official, within 20 days after the inspection or test has been completed. This filing requirement shall apply to inspections made by a licensed inspector of a duly accredited insurance company, which is the primary insurer of the conveyance.

**3009.4.2 Information required in report.** The report shall include all information required by the Office of Construction Code Enforcement to determine whether the transfer device is in a safe operating condition, and whether the owner or lessee of the transfer device has complied with the rules and regulations applicable under the provisions of the Technical Codes. In addition, the reports shall indicate whether the transfer device has been installed in accordance with the construction permit issued under the Technical Codes and meets the requirements of the applicable rules of the Elevator and Safety Code.

**3009.5 Guide for inspections and tests.** The American National Safety Code for the Inspection of Elevators and Escalators, Moving Walks - ASME Al 7.2-2010, is hereby adopted as a guide for making the inspection and test required by the Technical Coeds. Upon completion of all tests, the person or entity conduction the

tests shall attach a metal tag to the transfer device, which shows the name of the person, or entity, which conducted the tests and the month and year that such test were performed.

# 29. <u>IBC Chapter 30 Elevators and Conveying Systems is further amended to add the following new sections and sub-sections: Section 3010 Entitled "Permits" And All the Sections Thereunder As Follows:</u>

#### 3010 Permits

- 3010.1 Construction permits for elevators, dumbwaiters, escalators, moving walks, stairlifts, chair lifts and material lifts.
- **3010.1.1 Permits.** A construction permit shall be obtained from the Memphis and Shelby County Construction Code Enforcement (MSCCCE) before erecting new transfer devices, moving apparatus from one hoist way to another, or before making alterations to existing equipment. The owner, or his authorized agent, shall submit an application for such pem1it accompanied by plans and specifications as set forth IBC Section 104.2. If plans and specifications indicate compliance with the technical Codes, the Building Official shall issue a construction permit. No permit shall be required for repairs and replacements normally necessary for maintenance and made with parts of equivalent materials, strength and design.
- **3010.1.2 Permits for repairs.** Construction permits are required for any alterations covered by IBC Section 8.7, ASME AI 7.1-2010 of the Elevator Safety Code. A permit is required for the replacement of hydraulic casings and plungers, and hydraulic valves and pumps. A pem1it is required for the replacement of hoisting cables and governor cables and compensating cables or chains.
- **3010.2 Operating certificates.** No commercial elevator or any other transfer device, as defined in IBC Section 3001 shall be operated by the owner or lessee thereof, unless an operating pennit has been issued pursuant to the Technical Codes; however, no operating certificate shall be required for transfer devices, owned, and operated by United States Government.

#### 3010.3 Issuance of operating certificates

- **3010.3.1** Time for final inspection report for new commercial transfer devises. A report of required final inspection shall be filed with the Building Official by the inspector who performs the inspections on a form approved by the Building Official, within 20 days after the inspection or test has been completed. This filing requirement shall apply to inspections made by an authorized licensed inspector of a duly accredited insurance company, which is primary insurer of the conveyance.
- **3010.3.2 Information required in report.** The final inspection report shall include all information required by the Office of Construction Code Enforcement to determine whether the transfer device is in a safe operating condition and whether the owner or lessee of the transfer devise has complied with the rules and regulations applicable under the provisions of the Technical Codes. In addition, the report shall indicate whether the transfer devise has been installed in accordance with the construction permit issued under the Technical Code and meets the requirements of the applicable rules of the Elevator and Safety Codes. Upon filling a report showing such compliance, a operating certificate shall be issued which shall be good for one year.
- **3010.3.3 Compliance notice.** If the inspection report required by above indicated failure of compliance with the applicable requirements of the Technical Codes, or with the detailed plans and specifications approved by the Building Official under 3008.1, the Building Official shall give notice to the owner or lessee, or the person filing such plans and specifications, of changes necessary for compliance therewith. After such changes have been made, the Building Official shall issue an operating certificate.
- **3010.3.4 Renewing operation certificates.** Operating certificates shall be renewed semi-annually by the MSCCCE, to the owner or lessee of every new and existing commercial transfer device when the inspection report indicates compliance with the Technical Codes. No certificates shall be issued if the required fees have not been paid. Time limits shall be 30 days for existing transfer devices, and 3 days for new transfer devices, after the required date for filing the inspection report required by IBC Section 3008.3.1, unless such time limit is extended by the Building Official.
- **3010.4 Posting.** The certificate required by this Chapter shall be posted in a conspicuous location in the transfer device car or cage, or on the platform, on or near the transfer device, or available at the onsite Building Manager's office.

#### 3010.6 Limited permits

- **3010.6.1 Temporary use.** The Building Official may permit the temporary use of any transfer device for freight service during its installation or alteration, or for use in construction, under the authority of a limited operating permit issued by him for each class of service. In the case of elevators, such limited permit shall not be issued until the elevator shall have been tested under contract load, and the car safety stopping equipment has been tested to determine the safety of the equipment for construction purposes, and until permanent or temporary guards or enclosures are placed on the car and around the hoist way at the landing entrances on each floor. Landing entrance guards shall be provided with locks that can be released from the hoist way side only. Automatic and continuous-pressure elevators shall not be placed in temporary operation from the landing push buttons. An operator shall be on any elevator being operated under the authority of a limited operating permit during all times of operation.
- **3010.6.2 Fees.** Limited permits shall be issued for a period not to exceed 30 days at a fee rate of \$100.00. It can be renewed every 30 days for a fee of \$100.00 for each additional 30 days. Payment to be made before permit is finaled.
- **3010.6.3 Posting permits.** Where a limited permit is issued, a notice bearing the information that the equipment has not been finally approved shall be conspicuously posted on or near each entrance to such transfer device in a place where it is clearly visible at each entrance of the transfer device.
- **3010.7 Guide for inspections and tests.** The American National Safety Code for the Inspection of Elevators and Escalators, Moving Walks ASME AI 7.2-2010, is hereby adopted as a guide for making the inspection and test required by the Technical Codes. Upon completion of all tests, the person or entity conducting the test shall attach a metal tag to the transfer device which shows the name of the person or entity which conducted the test and the month and year that such tests were performed.
- 30. <u>IBC Chapter 30 Elevators and Conveying Systems is further amended to add the following new sections and sub-sections: Section 3011 Entitled "Supervisor, Responsibility, Accidents And Insurance" And All the Sections Thereunder As Follows:</u>
- 3011 Supervisor, responsibility, accidents and insurance
- **3011.I Supervision of installation, relocation, alteration or repair of equipment.** The installation, relocation, alteration or repair of all transfer devices must be performed by a properly licensed and registered transfer device contractor registered with the MSCCCE.
- **3011.2** Responsibility of person installing, relocating, or altering equipment. The person or firm installing, relocating, or altering a transfer device shall be responsible for its operation and maintenance until the operating certificate therefore has been issued by the Building Official, except during the period when any limited operating permit, as defined in IBC Section 3008.6 shall be in effect, and shall also be responsible for all tests of new, relocated, and altered equipment until the operating certificate therefore has been issued by the Building Official.
- 3011.3 Elevator, dumbwaiter, escalator, moving walk, stairlift, chair lift and material lift accidents
- **3011.3.I Accident notification.** The owner of a transfer device, or his duly authorized agent, shall immediately notify the Building Official of each and every accident involving:
  - 1. A person requiring the service of a physician; or
  - 2. Damage which results in disability of the transfer or amusement device exceeding one day; and shall provide the Building Official access to every facility and cooperate fully in investigating and inspecting such accident or damage.

The Building Official shall, without delay, after being notified, make an investigation and shall place on file a full and complete report of such accident.

**301 1.3.2 Accident report.** Such report shall give in detail all material facts and information available, and the cause or causes so far as they can be determined, which shall be open to the public for inspection at all reasonable hours. When an accident involves the failure or destruction of any part of the construction or the operation mechanism of such a device, the use of such device is forbidden until it has been made safe, and until it has bee re-inspection and any repairs, changes, or alteration have been approved by the Building Official, and a permit in such form as the Building Official may prescribe has been issued by the MSCCCE. The removal of any part of the damaged

construction or operating mechanism from the premises is forbidden until permission to do so has been granted by the Building Official.

# 31. <u>IBC Chapter 30 Elevators and Conveying Systems is further amended to add the following new sections and sub-sections: Section 3012 Entitled "Safety And Equipment Reguirements" And All the Sections Thereunder. As Follows:</u>

#### 3012 Safety and equipment requirements

- **3012.1 Generally.** The requirements of the Code adopted by IBC Section 3010.1 shall apply to all installations of transfer devices, as hereinafter specified, and except as otherwise provided in the Chapter.
- **3012.2 New Installations.** All new transfer devices shall be designed and installed in accordance with the requirements of the Elevator Safety Code- Al 7.1, 2010 Edition plus Addendums, Al 8.1 2008 Edition, and Handicap Ordinances for wheelchair and stair lifts.
- **3012.3 Relocations.** All relocation of transfer devices made after January I, 1961, shall meet the requirements of the Elevator Safety Code.
- **3012.7 Repairs and replacements.** Repairs and replacements of damaged, broken or worn parts shall conform to the requirements of Part 8.6 of the Elevator Safety Code.
- **3012.9 Existing installations.** Existing transfer devices, legally installed before January 1, 1961, may be used without being reconstructed to comply with the requirements of the Elevator Safety Code, except as such rules of the Code specifically refer to such installations.
- **3012.10 Alterations generally.** Existing installations may be altered to obtain the advantage of any provisions of the Elevator Safety Code, provided the safety requirements covering such provision are met. Alterations of existing installations shall conform to Part 8, Section 8.7 of such Code, or to the following exception:
- **3012.10.1 Existing freight elevator gates.** Hoist way gates for freight elevators in existing buildings may be five feet six inches high (5' 6") with maximum two-inch (2") openings, if approved by the Building Official.
- **3012.10.2 Major combination of alterations.** When any combination of alterations or changes is made, constituting more than 50% of the cost of the installation of a new elevator or hoist way construction, as determined by the Office of Construction Code Enforcement, the entire installation shall conform to the requirements of the Elevator Safety Code A 17.1, 2010 Edition.
- **3012.10.3** Repairs and replacements. Repairs and replacement of damage, broken or worn parts shall conform to the requirements of Part 8.6 of the Elevator Safety Code.

#### 3012.11 Maintenance in safe operating condition

- **3012.11.1 Responsibility of owner.** Every transfer device shall be maintained by the owner or lessee in a safe operating condition so that it conforms to the provision of this Chapter.
- **3012.11.2 Proper maintenance.** The owner, or his duly appointed agent, shall be responsible for the safe operation and proper maintenance of a transfer device after the operating certificate has been issued by the MSCCCE, and also during the period of effectiveness of any limited operating permit as defined in IBC Section 3008.6.2. The owner shall also be responsible for making all initial and periodic tests required by this Chapter.
- **3012.12 Portable hoists for elevators and dumbwaiters prohibited.** No portable power chain or cable hoist shall be installed to raise or lower an elevator car or platform, or dumbwaiter car or platform.
- 32 <u>Chapter 30 Elevators and Conveying Systems is further amended to add the following new sections and sub-sections: Section 3013 Entitled" Special Provisions For Amusement Services" And All the Sections Thereunder As Follows:</u>

#### 3013 Special provisions for amusement services

**3013.1 Visual inspections.** Memphis Shelby County Construction Enforcement (MSCCE) inspection of amusement rides shall consist of a visual inspection of fencing, entrances, exits, lap bars, seat belts and blocking.

In addition, a complete NAARSO (National Association of Amusement Ride Safety Officials) level III inspection of the assembly of the ride shall be made to ensure all bolts, nuts, cotter pins and all other safety devices are properly installed.

- **3013.1.1 Technical information.** It is the responsibility of the amusement device owner to provide all Technical information and conduct all testing required by the manufacturer. This information shall be presented to MSCCE before the operation of the amusement device. A daily maintenance and safety check shall be available upon request by MSCCE.
- **3013.2 Amusement device operator.** Amusement devices shall be in the charge of competent persons of sound mind who shall have attained the age of 18 years.
- **3013.3 Inspection of amusement devices.** Amusement devices shall be inspected before the season or engagement period opens and/or at least once a year by a level III NAARSO inspector.
- 33 <u>Chapter 30 Elevators and Conveying Systems is further amended to add the following new sections and sub-sections: Section 3014 Entitled "Penalty For Violation" And All the Sections Thereunder As Follows:</u>

#### 3014 Penalty for violations

**3014.1 Suspension of operations.** The Building Official is authorized to order the suspension of operation of any transfer device for which a certificate is required, but has not been issued, or which upon inspection, shall be found defective or in such condition as to endanger life or property. In all cases where such a suspension is made, a notice shall be attached to the transfer device suspended of operation by the Building Official, or one of his assistants, together with the reason or reasons for suspension. Additionally, it shall be unlawful for any person to remove said notice or resume use of said transfer device without authorization by the Building Official, or one of his assistants, and such transfer device shall not be put into service or used until the Building Official has attached his certificate of approval in lieu of his prior suspension notice.

**Penalties.** A violation of the provision of this chapter shall be violation of this Code and subject to all other penalties proscribed herein.

## 34. <u>IBC Chapter 30 Elevators and Conveying Systems is further amended to add the following new sections and sub-sections: Section 3015 Entitled "Fees" And All the Sections Thereunder As Follows:</u>

#### **3015 Fees**

- **3015.1 Transfer devices.** For the installation of transfer devices, the fee shall be set forth in the Building Permit, Plans and Inspection Fees Schedule.
- **3015.2 Operating certificates, semi-annual renewal.** The operating ce1tificates for all commercial elevators, escalators, dumb waiters, moving walks, chair lifts and material lifts shall be renewed annually. The fees shall be as set forth in the building permit, plans and inspection fee schedule.

## 35. <u>Amend IBC Section 3103 Entitled "Temporary Structures" In Its Entirety And Replace It With The Follow Section, So That When Amended It Shall Read As Follows:</u>

#### IBC Section 3103 Temporary structures and uses

- **3103.1 General.** The Building Official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The Building Official is authorized to grant extensions for demonstrated cause.
- **3103.1.1 Conformance.** Temporary structures and uses shall conform to the structural strength, fire safety, MEANS of egress, accessibility, light, ventilation and sanitary requirements of this code as necessary to ensure the public health, safety and general welfare.
- **3103.1.2 Permit required.** Temporary structures that cover an area greater than 200 square feet including c01mecting areas or spaces with common means of egress or entrance that are used or intended to be used for the gathering of I O or more persons, shall not be erected, operated or maintained for any purpose without obtaining a building permit from the Building Official.

**3103.2 Temporary power.** The Building Official is authorized to give permission to temporarily supply and use power in part of an electrical installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in the *ICC Electrical Code*, as locally amended.

**3103.3 Location.** Temporary structures shall be located in accordance with the requirements of IBC Section 602 based on the fire-resistance rating of the exterior walls for the proposed type of construction.

**3104.4 Means of egress.** Temporary structures shall conform to the means of egress of Chapter 10 and shall have an exit access travel distance of 100 feet (30480 mm) or less.

**3104. 5 Termination of approval**. The Building Official is authorized to terminate such permit for a temporary structure or use and to order the temporary structure or use to be discontinued.

### 36. <u>Chapter 35 Referenced Standards is amended to add the following referenced standard to the section titled "ASME"</u>

A17.6-2017/ Standard for Elevator Suspension, Compensation, and Governor Systems

#### 37. ADOPT THE FOLLOWING APPENDICES

APPENDIX A - BUILDING PERMIT, PLANS AND INSPECTION FEES (See Local Amendments Below.)

APPENDIX C - GROUP U - AGRICULTURAL BUILDING as shown in 2015 Edition of the ICC International Building Code.

APPENDIX D - FIRE DISTRICT (SEE LOCAL AMENDMENTS BELOW)

APPENDIX F - RODENT PROOFING as shown in 2015 Edition of the ICC International Building Code.

Appendix G - Flood Resistant Construction as shown in 2015 Edition of the ICC International Building Code.

APPENDIX H - SIGNS- As shown in 2015 Edition of the ICC International Building Code.

#### Appendix A

#### **Building Permit, Plans and Inspection Fees**

### 1. New Construction and Additions To Buildings Other ThanOne-And Two- Family Dwellings and Large Homes.

- a. The fee for a building permit for new construction, or for an addition to an existing structure, shall be based on the total construction cost (valuation) of said construction, addition, alteration, or repair and shall be determined by the following paragraphs. However, the minimum permit shall be \$75.
- b. When the valuation is less than \$25,000, the fee shall be \$5 per \$1,000 of valuation or any fraction thereof.
- c. When the valuation is as much as \$25,001, but less than \$1,000,000, the fee shall be \$125 plus \$3.50 for each additional \$1,000 of valuation or any fraction thereof above the valuation of \$25,000.
- d. When the valuation is as much as \$1,000,001, but less than \$25,000,000, the fee shall be \$3537.50 plus \$2.25 for each additional\$ 1,000 of valuation or any fraction thereof above the valuation of \$1,000,000.
- e. When the valuation is as much as \$25,000,001, the fee shall be \$57,537.50 plus\$ 1.75 for each additional \$1,000 of valuation or any fraction thereof above the valuation of \$25,000,000.

#### 2. One And Two Family Dwellings and Large Homes

- a. The permit fee for alteration or repairs to a one-two family dwelling, building or structure shall be based on the total construction cost (valuation) of alterations or repairs, and shall be charged at a rate of \$5 per \$1,000 or fraction thereof. The minimum fee for any permit shall be \$50. Permit fee for the alterations or repairs for one and two family dwellings shall not exceed \$325.
- b. The permit fee for new construction or addition of more than 400 square feet for one- two family dwelling, building or structure shall be charged at the rate of \$0.07 per square foot or fraction thereof. The minimum fee for new construction of a one two family dwelling or structure permit shall be \$125 and the minimum fee for addition of more than 801 square feet to existing one-two family dwelling, building, or structure shall be \$125. 401 to 800 square feet to an existing one-two family dwelling, building, or structure shall be \$75. Minimum fee for addition of 400 square feet or less to an existing one-two family dwelling, building, or structure permit shall be \$50. All above areas shall include, but not be limited to, living area, porches, carports, canopies, garages, and storage areas. The permit fee of \$125 includes the fees for the new installation of sidewalks and curb cuts.
- c. Detached one-story residential accessory buildings, carports, canopies, garage or patios not exceeding 400 square feet will have a minimum fee of \$25. Minimum fee for detached onestory residential accessory building, carports, canopies, garages, or patios exceeding 400 square feet shall be \$0.07 per square foot with a minimum fee of \$50.
- d. Residential fence installation not exceeding 400 linear feet will have a minimum foe of \$25. Minimum fee for residential fencing exceeding 400 linear feet shall be \$0.07 per linear foot with a minimum of \$50.
- e. All residential permit submittals will be assessed an application fee of \$50 for new and addition pem1its and \$25 for alteration, repairs and accessory permits.

#### 3. Fee For Amending Permits

- a. After a permit has been issued and an amendment or supplemental revision is applied for, the additional fee or service charge shall be as follows:
  - For each and every amendment which involves additional work, not originally applied for to complete the entire project, the additional fee shall be the nominal fee for the work completed and shall be computed disregarding the valuation of the work previously pem1itted.
  - II. For each and every amendment or supplement not involving additional work by square footage, volume, or dollar value, the minimum fees normally required for such work shall apply, even though the project dollar value or building volume may be decreased. (Minimum fee of \$25).

#### 4. Work Commencing Before Permit Issuance.

In the case any work requiring a pem1it is started prior to obtaining said permit, as a penalty for violating this Code, the total nom1al fee applicable shall be doubled. The payment if said fee shall not relieve any persons from folly complying with the requirements of this Code for performance or execution of the work, nor from other penalties prescribed by law.

#### 5. Special Tax

The uncollected cost of repairing, vacating, or taking down and removing an unsafe building may be certified to the County Trustee. It shall then be the duty of the County Trustee to place the amount so certified on the bill for the County taxes assessed against the property on which said dangerous structure was located. It shall be the duty of the County Trustee to collect as a special tax the amount so certified, which is hereby declared to be a special tax on said property. The special tax may be collected in the same manner as other general taxes **are collected** by the County.

#### 6. Demolition of Structures

- a. Permits to demolish structures as provided for in the Existing Building Code, the fees shall be at the rate of \$9 for each 25,000 cubic feet, or fraction thereof, with a minimum fee of \$70 and maximum fee of \$560.
- b. For permits to implode structure, as provided for in the Existing Building Code, the fee shall be at the rate \$1,120.

#### 7. Removal or Moving of Structures.

The permit fee to move or remove a structure, as provided for in the Existing Building Code, shall be \$224. For replacement, repair and/or renovated of said structure, the fee shall be charged as in Paragraph 1 above.

#### 8. Structural Permits for Signs

- a. For the erection, construction, relocation, alteration, or maintenance of signs, in accordance with the International Building Code and the Unified Development Code (UDC), the fee shall be computed on the basis of the gross, cross section area of the sign, including any decorative framing, but not including structural supports. The rate shall be \$1.25 for each square foot of such gross sign area. The minimum fee shall be \$25. The minimum fee for change in copy (text's) shall be \$25 for existing business, same context. For the demolition of an off-premise sign, the permit fee shall be \$70.
- b. The annual fee for re-inspection of signs as required in the Building Code shall be \$25 for signs with gross surface area of 150 square feet and less and \$50 for each sign with a total gross surface area of more than 150 square feet.
- c. **EXCEPTION:** Non-illuminated wall signs not exceeding 12 square feet in area, and any non-illuminated sign not more than 4 square feet in area, placed in a legally constituted location that does not encroach over a public right of way, shall not require a fee for reinspection.
- d. Any sign installed without the required permit being obtained will be subject to triple fees when the necessary permits are obtained.

#### 9. Fees for Appurtenances to Buildings and Other Structures and Apparatus.

The permit fee for the installation of the following shall not be less than \$70 for the first \$250,000 of valuation, and \$2 for each \$1,000 more than \$250,000. Conveyor Systems; Process piping systems; Racking systems / Shelving

#### 10. Fees for Miscellaneous Construction

- a. The fee for a permit for construction of a tower, stack, swimming pool, retaining wall or other similar type structure; and the fee for a permit for the addition, alternation, or the repair of such structure shall be based on the total construction (valuation) of the work to be done and shall be \$5 per \$1,000 or fraction thereof. The minimum fee for any permit shall be \$70.
- b. The permit fee for tents, special events, special sales promotions, beer check and amusement rides shall be \$70, plus \$12 per additional tent after the first tent.
- c. The permit fee for temporary construction trailers (job shacks)for a period of 6 months shall be \$70.
- d. The fee for a permit for the repair, construction or installation of an automated or non-automated gate, wall, fence, or other similar type of structure or vehicular access control device; and the fee for a permit for the addition, alternation, or the repair to such structure shall be based on the total construction cost (valuation) of the work to be done and when the valuation is less than \$25,000, the fee shall be \$5 per \$1,000 of valuation or any fraction thereof and \$4 for each additional \$1,000 of valuation on any fraction thereof above the valuation of \$25,000, with a maximum fee of \$200.
- e. The fee for a permit for the construction of decks and spas, orother similar types of structures: and the fee for a permit for the addition, alteration, or the repair to such structures shall be \$50.
- f. Commercial reroofing not exempted in 105.2, shall be charged in accordance with the valuation of the project. The fee shall be \$5.00 per \$1,000 of valuation. The maximum fee shall be \$560. The minimum fee shall be \$70.

#### 11. Curb Cuts, Driveway Entrances, Exits and Parking Lots

- a. The fee for curb cuts on public property, either new or replacement, when location outside the municipal limits of the City of Memphis, shall be \$35 per permit will be charged.
- I. **Exception:** The fee for new installation of curb out for one-two family dwellings included under Paragraph 2(b) above.
- b. Sidewalks required by Subdivision Plat Outside the Municipal Limits of the City of Memphis. The fee for sidewalks on public property, either new or replacement shall be \$35.
- I. **Exception:** The fee for new installation of curb out for one-two family dwellings included under Paragraph 2(b) above.
- c. Permits for the installation of sidewalks, curb cuts, driveway entrances and exits inside the City of Memphis, shall be obtained from the City of Memphis prior to the issuance of a building permit.
- d. The fee for the new construction of stand-alone parking lots not associated with any other building construction or for an addition of more than 10 parking spaces (1,710 Square Feet) to an existing parking lot on the same lot shall be based on the total construction cost (valuation) of said construction, addition or alteration (including reconstruction of the base subgrade and overlay surfaces) shall the same as those set out in Paragraph 1 above. Resurfacing (hot mix overlay), pothole repair, alligator cracking or joint repair, seal coating or striping shall not be considered as permittable items.

#### 11. Filing Of Application for Joint Board Of Appeals

Notice of Joint Board of Appeals under Chapter 1 of the Building Code shall be accompanied by a fee of \$125.

#### 13. Refunds

Permit fees may be refunded if no work has commenced and a request for refund is submitted to the Building Official in writing by the permittee within 6 months of the date of issuance. The permit is surrendered with a request for refund is submitted. The amount of the refund will be 2/3 of the permit fee, but in no case will the amount retained by the Office of Construction Code Enforcement be less than \$70.

#### 14. Certificates of Use and Occupancy

- a. No charge shall be made for a certificate of use and occupancy for a structure when it is issued upon the satisfactory completion of new construction, addition, alteration, or repair work under a valid permit. When a certificate is issued under the provision of Chapter 1 of the Building Code, the fee shall be \$125. The fee charged for such certificate shall be in addition to those which may be required for any specific test and/or inspections of special features or equipment which are otherwise required by this or any Code.
- b. For hazardous occupancies, the Certificate of Occupancy will be limited to a 12 month period. Upon approval by the Building Official and before issuance or reissuance of said certificate, the applicant will pay a fee of \$115.

#### 15. Reinspection Fee for Excessive Or Unessential Inspection Calls.

- a. An additional fee shall be charged for the second re-inspection of \$50, and for each additional inspection thereafter, until the violation is corrected, a fee of \$50 shall be charged. Exception: Due to the complicated nature of framing inspection, one free re-inspection shall be given on each Building Permit. All re-inspections occurring after this shall be charged a listed above.
- b. Any person, firm or corporation aggrieved by the assessment of any re-inspection fee may appeal to the Building Official for a review of the facts involved and a possible reduction or dismissal of said fees.

#### 16. Trailer and Manufactured Home Space Permit Fees.

- a. The fee to establish a trailer space or manufactured home space within a manufactured home park shall be \$45 for each space. The annual inspection fee for each manufactured home or trailer space shall be \$12 for each space. The annual inspection fee shall be due and payable July I st of each year. Failure to pay the annual inspection fee within 60 days after receiving notice of payment due shall result in the manufactured home being classified as illegal and ordered removed.
- b. A building permit fee for the general development of trailer or temporary manufactured home parks shall be required. A building permit for the trailer or manufactured home unit shall not be required. A building permit for permanent structures such as but not limited to offices, laundry, recreational, storage, utility buildings, garages and carports shall be required as set forth in Paragraph 1 above.
- c. For manufactured homes approved as a permanent or temporary residence located on property

outside of a trailer or manufactured home park development, the permit fee for new construction of, or addition to, a one-two family manufactured dwelling (home), building or structure shall be charged at the rate of \$0.06 per square foot or fraction thereof. The minimum permit fee shall be \$140. All above areas shall include, but not be limited to, living areas, porches, carports, garages, and storage areas.

#### 17. Fee Forfeited

The permit fees will be forfeited on any permit invalidated because work was not commenced as set forth in Chapter I of the Building Code.

#### 18. Building Permit Valuations

If in the opinion of the Building Official, the valuation of building, alteration, or structure appears to be underestimated on the application, the permit shall be denied unless the applicant can show detailed estimated total construction costs to meet the approval of the Building Official. Permit valuations shall include total costs, such as plumbing, electrical, mechanical equipment, and other systems. As a guideline to determine the average construction costs per square foot, the Building Official shall reference the Building Valuation Data Table published periodically by ICC.

#### 19. ASPR Evaluation and Administrative Site Plan Review

An ASPR evaluation fee shall be assessed for all new construction, additions and accessory buildings other than one- and two- family dwellings to cover costs associated with the research required to determine the necessity of an ASPR review and/or other agency review.

ASPR Evaluation \$50

Fee application for administrative site plan review approvals required by the Memphis and Shelby Unified Development Code shall be accompanied by a nonrefundable fee in accordance with the following schedule:

Building occupancies as required \$650

Approval of an administrative site plan review shall permit the applicant to apply for any other permits and approvals required by the Unified Development Code, and the Building Code. Administrative site plan approvals are valid for 6 months, or until a building permit is issued, whichever is earliest.

#### 20 Plan Review Fees

Construction documents submitted for review and approval shall include the payment of a plan review fee. The fee shall be calculated in accordance with paragraphs (a) or (b), and (c). The review fee includes the initial plan review and one follow up plan review to verify that corrections have been made based on the initial review.

#### a. One and Two-Family Dwellings and Large Homes

1.	For all new dwellings up to 2,500 square feet	\$ 125
2.	For additions and accessory structures 401 square feet to 2500 square feet	\$ 125
3.	For new dwellings, additions and accessory structures greater than 2,500 square feet	\$ 150

**b.** Other Occupancies - The fee shall be in accordance with the schedule below based on the total cost of construction.

\$0 to \$25,000 total valuation \$8	
\$25,001 to \$50,000 total valuation \$1	160
\$50,001 to \$100,000 total valuation \$3	325
\$100,001 to \$200,000 total valuation \$6	350
\$200,001 to \$500,000 total valuation \$8	375
\$500,001 to \$1,000,000 total valuation \$1	1,200
\$1,000,001 to \$2,000,000 total valuation \$1	1,600
\$2,000,001 to \$5,000,000 total valuation \$2	2,000
More than \$5,000,000 total valuation \$3	3,000

c. Amended Construction Documents - For other than one- and two-family dwellings, where amended construction documents are submitted for review, the fee shall be in accordance with schedule 20(b) based on the total cost of additional work. The minimum fee for review of amended plans shall be \$80.

#### 21. Other Permit Fees

a. New elevators and escalators: The fee for each permit shall be not less than \$15 for the first \$1000

valuation for the installation of new elevators and escalators and \$8 for each additional \$1,000 of value less than \$1,000,000 and \$3 for each \$1000 more than \$1,000,000.

b. Annual permit fees for renewals of elevators and escalators shall be as follows:

l.	2 thru 10 landings	\$120
II.	11 thru 20 landings	\$180
III.	Over 20 landings	\$250

c. Amusement Devices

	I. Major Rides	\$70
	II. Kiddie Rides	\$45
d.	Dumbwaiters	\$60
e.	Wheelchair & Stair Lifts	\$60

#### 22. Research, Copies and Zoning Letter Fees

- a. The fee for archival research will be based on \$25.00 per hour of research with a one-hour minimum fee. Additional research time will be assessed for each 15-minute increment thereafter.
- b. Copies will be furnished for \$.015 per copy with a minimum fee of \$1.00.
- c. For zoning letter fees refer to Land Use Controls Revised Fee Schedule, section XVII.

# 2022 FEE SCHEDULE BUILDING SECTION FEES

\*\*\*\*ALL FEES BELOW DO NOT INCLUDE AN ADMINISTRATIVE CHARGE OF \$4.00 AND A SURCHARGE OF \$1.00 FOR RESIDENTIAL OR \$5.00 FOR COMMERCIAL (ADD \$5 TO RESIDENTIAL TOTAL AND \$9 TO COMMERCIAL TOTAL)

### **COMMERCIAL FEES**

PLAN REVIE	W FEE	SIGNS			
VALUATION	2019 FEES	ERECTION, CONSTRUCTION, RELOCATION, ALTERATION OR MAINTENANCE OF SIGNS  SQ FT			
\$0 - \$25,000	\$80.00	MINIMUM FEE \$25.00			
\$25,001 - \$50,000	\$160.00	ANNUAL REINSPECTION FEE UP \$25.00 TO 150 SQ FT			
\$50,001 - \$100,000	\$325.00	ANNUAL REINSPECTION FEE \$50.00 OVER 150 SQ FT			
\$100,001 - \$200,000	\$650.00	INSTALLATION PRIOR TO ISSUANCE OF PERMIT			
\$200,001 - \$500,000	\$875.00				
\$500,001 - \$1,000,000	\$1,200.00				
\$1,000,001 - \$2,000,000	\$1,600.00				
\$2,000,001 - \$5,000,000	\$2,000.00				
\$5,000,001 AND UP	\$3,000.00				
	_	UILDING PERMIT FEES			
NEW CONSTRUCT BUILDINGS COMMER		APPURTENANCES TO BUILDINGS/ STRUCTURES/APPARATUS			
MINIMUM FEE	\$75.00	CONVEYOR.PROCESS PIPING, RACKING/SHELVING 0 - \$250,000			
\$0 - \$25,000	\$5.00/1,000	EACH ADDITIONAL \$2.00/1,000			
\$25,001 - \$1,000,000	\$125 + \$3.50/1,000				
\$1,000,001 - \$25,000,000	\$3537.50 + \$2.25/1,000				
\$25,000,001 AND UP	\$57,537.50 + 1.75/1,000				

1.75/1,000

ASPR Evaluation	\$50.00			
MISCELLANEOUS CONSTRUCTION				
TOWER, STACK, POOL, RETAINING WALL \$5.00 / 1,000	\$70.00 MIN.		IMPLOSION	\$1,120.00
GATE, WALL, FENCE {OTHER THAN 1&2 FAMILY) \$25,000 OR LESS \$5.00/1,000	\$70.00 MIN.		PORTABLE BLDG MOVE	\$224.00
OVER \$25,000 (\$4.00/1,000)	\$200.00 MAX.		TEMPORARY CONSTRUCTION OFFICE/STORAGE STRUCTURE	\$45 PER 6 MONTHS
DEMOLITION \$9.00 PER 25,000 CU. FT.	\$70 MIN - \$560 MAX		COMMERCIAL ROOFING (\$5.00 PER 1,000	\$70 MIN \$560 MAX.

### RESIDENTIAL FEES

ONE AND TWO FAMILY DWELLINGS AND LARGE HOMES PERMIT FEES				
APPLICATION FEE- NEW, ADDITIONS	\$50.00	APP. FEE- ALTERATIONS, REPAIRS, ACCESSORY	\$25.00	
NEW CONSTRUCTION OR ADDITION PER SQ. FT.	\$0.07	CURB CUT DRIVEWAY APPROAC		
MINIMUM FEE FOR NEW SFR OR DUP	\$125.00	NEW /REPLACEMENT	\$35.00	
MINIMUM FEE FOR ADDITIONS 400 SQ. FT. OR LESS	\$50.00			
MINIMUM FEE FOR ADDITIONS 401 SQ. FT 800 SQ. FT.	\$75.00	TRAILERS AND MANUFACTURED HOMES		
MINIMUM FEE FOR ADDITIONS OVER 800 SQ. FT.	\$125.00	MANUFACTURED HOME/TRAILER SPACE - PER SPACE	\$45.00	
DETATCHED ACCESSORY BUILDINGS 400 SQ. FT. OR LESS	\$25.00	ANNUAL INSPECTION FEE - EACH SPACE	\$12.00	
DETATCHED ACCESSORY BUILDINGS OVER 400 SQ. FT.	(\$0.07/SQ FT) \$50.00 MIN	MANUFACTURED HOMES APPROVED AS PERMANENT/ TEMPORARY RESIDENCE	\$0.06 / SQ FT \$140 MIN	
ALTERATION/REPAIR (\$5.00/1,000 VALUATION)	\$50.00 MIN/ \$325.00 MAX	HOUSE MOVE	\$224.00	
CONSTRUCTION/REPAIR/ALTERATION TO DECKS, SPAS AND SIMILAR STRUCTURES	\$50.00	ONE & TWO FAMILY DWELLINGS PLAN REVIEW FEE		
POOL OR RETAINING WALL \$5.00/1,000 (NO MAX)	\$70.00 MIN	UP TO 2,500 SQ FT	\$125.00	
RESIDENTIAL FENCE PERMIT 400 LINEAR FT OR LESS	\$25.00	OVER 2,500 SQ FT	\$150.00	
RESIDENTIAL FENCE PERMIT 401 LINEAR FT OR MORE	(\$0.07/SQ. FT.) \$50.00 MIN.		· .	

### **OTHER FEES**

CERTIFICATE OF OCCUPANCY	\$125.00	PERMIT AMENDMENT	\$25.00
WORK COMMENCING BEFORE PERMIT ISSUANCE	DOUBLE FEE	BOARD OF APPEALS	\$125.00

TENTS, SPECIAL EVENTS, BEER CHECK AND AMUSEMENT RIDES	\$70 PLUS \$12 FOR EACH ADDT'L TENT AFTER FIRST	REINSPECTION FEE	\$50.00
ADMINISTRATIVE SITE PLAN REVIEW	\$650.00		
ASPR EVALUATION	\$50.00		

RESEARCH, COPIES AND ZONING LETTER FEES			
ARCHIVAL RESEARCH \$25.00 PER HOUR AND 15 MINUTE INCREMENTS			
	THEREAFTER		
COPIES	\$0.15 PER COPY- MINIMUM \$1.00		
ZONING LETTERS	LAND USE CONTROLS REVISED FEE SCHEDULE,		
	SECTION XVII.		

### **REFUNDS**

NO WORK COMMENCED AND WITHIN 6 MONTHS OF ISSUANCE AND PERMIT IS SURRENDERED, REQUESTS IN WRITING WILL BE ELIGIBLE FOR REFUND OF 2/3 OF PERMIT FEE UPON APPROVAL OF BUILDING OFFICIAL MINIMUM AMOUNT TO BE RETAINED BY CODE ENFORCEMENT WILL BE \$70.00.

#### CITY OF MEMPHIS COUNCIL AGENDA CHECK OFF SHEET

ONE ORIGINAL   ONLY STAPLED   TO DOCUMENTS	_ Planning &	Zoning COMMITTEE:	1/21/2025	Planning & Developme DIVISION	<u>ent</u>	
		PUBLIC SESSION:	DATE 2/4/2025 DATE	FIRST READING:	<u>2/4/25</u> DATE	
OTHED:		CIONS GRAN	EST FOR PUBLI			
ITEM DESCRIPTION:	An amendment to the	Memphis and Shelby Cour	nty Residential Co	ode.		
CASE NUMBER:	n/a					
LOCATION:	City of Memphis and	unincorporated Shelby Cou	inty			
APPLICANT:	Memphis and Shelby	County Division of Plannin	ng and Developme	ent		
REPRESENTATIVE:	John Zeanah, Divisio	n Director				
REQUEST:	Adopt amendments to	the Memphis and Shelby (	County Residentia	ıl Code.		
AREA:	This amendment affe	cts all property within the C	ity of Memphis a	nd unincorporated Shelby (	County.	
RECOMMENDATION:	N: Division of Planning and Development: Approval					
			BOARD / COM! ) COUNCIL COM	MISSION MMITTEE		
\$ 0		REQUIRES CITY EXPENDITURE - (1) YES (2) NO AMOUNT OF EXPENDITURE				
SOURCE AND AMOUNT \$ \$ \$		REVENUE TO BE RECOPERATING BUDGET CIP PROJECT #FEDERAL/STATE/OTI	7			
ADMINISTRATIVE APP		<u>DATE</u>	<u>POSITION</u>			
			PRINCIPAL P			
			DEPUTY DIR DIRECTOR	ECTOR		
				OINT APPROVAL)		
			COMPTROLL	ŕ		
			FINANCE DII	RECTOR		
			CITY ATTOR	NEY		
- 1			CHIEF ADM	INISTRATIVE OFFICER		
•			COMMITTE	CHAIRMAN		



### **Memphis City Council Summary Sheet**

- Description of the Item (Resolution, Ordinance, etc.)
   A JOINT ORDINANCE FURTHER AMENDING THE 2021 EDITION OF THE ICC INTERNATIONAL RESIDENTIAL CODE AND REVISED LOCAL AMENDMENTS.
- 2. Initiating Party (e.g. Public Works, at request of City Council, etc.)

  Division of Planning and Development
- **3.** State whether this is a change to an existing ordinance or resolution, if applicable. Ordinance will amend the Memphis and Shelby County Residential Code.
- 4. State whether this requires a new contract, or amends an existing contract, if applicable.

This ordinance does not require a new contract nor amend an existing contract.

5. State whether this requires an expenditure of funds/requires a budget amendment.

This ordinance does not require an expenditure of funds or budget amendment.



<b>JOINT</b>	ORDINANCE NO.

A JOINT ORDINANCE AMENDING THE MEMPHIS AND SHELBY COUNTY RESIDENTIAL CODE SO AS TO ADOPT THE 2021 EDITION OF THE ICC INTERNATIONAL RESIDENTIAL CODE AND LOCAL AMENDMENTS.

WHEREAS, The Shelby County Board of Commissioners and the Council of the City of Memphis seek to adopt and maintain a comprehensive set of coordinated Technical Codes and to update those Codes to assure the safe and effective construction of commercial and residential buildings and structures in the Community; and

WHEREAS, it has been determined that it is necessary and prudent to revise further the local amendments to the 2021 Edition of the ICC International Residential Code governing the construction of residential structures in order to conform with changes in state law.

**NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, TENNESSEE,** That all previous local amendments to the residential code are hereby repealed except as may be set out in the attachments hereto.

**BE IT FURTHER ORDAINED,** That the *2021 Edition of the ICC International Residential Code* is amended by adoption of the local amendments attached to this Joint Ordinance as Exhibit A.

**BE IT FURTHER ORDAINED,** The adoption of the 2021 Edition of the ICC International Residential Code and local amendments thereto, shall be implemented through their inclusion in the appropriate section of the Memphis and Shelby County Building Code which contains a provision that addresses the appropriate standards for the construction of such residential structures.

**BE IT FURTHER ORDAINED,** That should any part of this ordinance or code be found unlawful or unenforceable by a court of competent jurisdiction that such a determination will have no effect on the other portions of the adopted Code and the amendments thereto.

**BE IT FURTHER ORDAINED,** That this Joint Ordinance shall take effect in the City of Memphis and the unincorporated areas of Shelby County on April 1, 2025, by virtue of the concurring and separate

passage thereof by the Memphis City Council and by the Board of Commissioners of Shelby County or if not adopted by each legislative body by that date, at the date of such adoption by the last adopting body.

#### Exhibit A

Local Amendments to 2021 ICC International Residential Code

1. Amend "Section R101.1 Title" by adding the term "of Memphis and Shelby County" in the parenthetic phrase so when amended it shall read:

**R101.1 Title.** These provisions shall be known as the *Residential Code for One- and Two- Family Dwellings* of Memphis and Shelby County, and shall be cited as such and will be referred to as "this code."

2. Amend Section "R101.2 Scope" by adding the following sentences at the end of the section after the word "height" and before the exception:

Existing buildings undergoing repair, alteration or additions, and change of occupancy shall be permitted to comply with the *International Existing Building Code* as locally amended.

- 3. Amend Section R102.7 "Existing structures" by deleting the phrase "the International Property Maintenance Code or"
- 4. Delete "Section R103 Department of Building Safety" in its entirety including subsections "R103.1 Creation of enforcement authority", "R103.2 Appointment" and "R103.3 Deputies" and replace it with the following:

Section R103

Reserved

- 5. Add a new subsection R105.1.1 entitled "Design and construction of retaining walls" which shall read as follows:
- **R105.1.1 Design and construction of retaining walls.** Retaining wall systems over 3 feet in height above finished grade shall be designed by a professional engineer or a registered design professional licensed to practice in the state of Tennessee, for all applicable loads as specified in the Building Code and in keeping with nationally recognized standards. Design shall be based upon sound engineering and geo-technical principles.
- 6. Delete the provisions under "Section R105.2Work exempt from permit" after the last numbered exemption for building permits section so that when amended it reads as follows:

**Section R105.2 Work exempt from permit.** Exemption from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building

- 1. Reserved
- 2. Reserved
- 3. Retaining walls that are 3 feet (914 mm) in height or less as measured from the bottom of finished grade to the top of the wall, unless supporting a surcharge imposed by an adjacent structure. Such structures shall include but not be limited to permanent buildings and public roadways.
- 4. Free standing walls, not supporting a surcharge, that are 4 feet (1220 mm) in height or less as measured from the bottom of finished grade to the top of the wall.
- 5. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18927 L) and the ratio of the height to the diameter or width does not exceed 2 to 1.
- 6. Sidewalks and driveways not more than 30 inches (762mm) above adjacent grade and not over any basement or store below.
- 7. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
- 8. Prefabricated swimming pools that are less than 24 inches (610mm) deep.
- 9. Swings and other playground equipment accessory to a one- or two-family dwelling.
- 10. Window awnings supported by an exterior wall which do not project more than 54 inches (1732mm) from the exterior wall and do not require additional support.
- 11. Decks not exceeding 200 square feet (18.58M<sup>2</sup>) in area, that are not more than 30 inches (762mm) above grade at any point, are not attached to a dwelling and do not serve the exit door required by Section R311.4.
- 12. All detached single-family reroofing projects where no decking, structural and/or equipment supports are modified.

#### 7. Add a new Item 8 to Section R105.3 Application for permit as follows:

8. Storm Water Clearance – Include a copy of the owner's notice of coverage letter from the Department of Environment and Conservation or a written notarized statement from the owner that no such letter is needed for this construction.

# 8. Add the following new sentence and exception to Section R105.3.1, after the last sentence following the word "practicable"

Permits shall be issued to a licensed and/or registered contractor who performs the work. If work is subcontracted, both contractors shall be licensed and/or registered.

**Exception:** A building permit for construction of a single-family dwelling may be obtained by the property owner as allowed by T.C.A. Section 62-6-103 entitled "License requirements – Recovery of expenses by unlicensed contractors" which allows a person or firm specified in subdivision (a)(2)(A) of the act to make an application for a permit to construct a single residence, provided that person shall not construct more than one (1) single residence within a period of two (2) years.

# 9. Delete the entire Section entitled "R112 Board of Appeals" and replace it with the following:

#### **SECTION R112 BOARD OF APPEALS**

**R112.1 General.** The Memphis and Shelby County Joint Board of Appeals, as established in the Memphis and Shelby County Building Code, shall hear all appeals and variance requests that arise under this Code.

# 10. Add the following definitions to Section R202 in the appropriate alphabetical locations:

**Building Section** — Whenever the term "Building Section" is used in the Memphis and Shelby County Residential Code herein adopted, it shall mean the Building Section of the Memphis and Shelby County Office of Construction Enforcement (MSCE).

**Chief Appointing Authority** – Whenever the term "Chief Appointing Authority" is used in the Technical Codes herein adopted, it shall mean the Mayors of the City of Memphis and County of Shelby, Tennessee.

**City, Municipality, or Governing Body** – Whenever the word "City" or "Municipality" or "Governing Body" is used in the Technical Codes herein adopted, it shall mean the City of Memphis and County of Shelby, Tennessee.

**Freestanding Wall** – A manmade structure built out of rock, block, timber, concrete or other similar material which does not either directly support retained material or serve as a facing of a cut slope. This definition shall not include standard wood privacy fences as used in residential applications.

**International Electrical Code** – Whenever the word "International Electrical Code" is used in this code herein adopted, it shall mean the 2020 Edition of the

National Electrical Code (NEC) with Local Amendments and will be known as the Memphis and Shelby County Electrical Code (MSCEC).

**International Energy Conservation Code** - Whenever the word "International Energy Conservation Code" is used in this code herein adopted, it shall mean the 2018 Edition of the ICC *International Energy Conservation Code* with Local Amendments and will be known as the Memphis and Shelby County Energy Conservation Code (MSCECC).

**International Building Code** – Whenever the word "International Building Code" is used in this code herein adopted, it shall mean the 2021 Edition of the *ICC International Building Code* with Local Amendments, will be known as the Memphis and Shelby County Building Code (MSCBC).

**International Fuel Gas Code** – Whenever the word "International Fuel Gas Code" is used in this code herein adopted, it shall mean the 2021 Edition of the *ICC International Fuel Gas Code* with Local Amendments and will be known as the Memphis and Shelby County Fuel Gas Code (MSCFGC).

**International Fire Code.** Whenever the word "International Fire Code (IFC)" is used in this code as adopted, it shall mean all the 2021 Edition of the *ICC International Fire Code* with local amendments as adopted by the Memphis City Council for the City of Memphis and the Shelby County Commission for unincorporated Shelby County and will be known as the Memphis and Shelby County Fire Code (MSCFC)

**International Mechanical Code** – Whenever the word "International Mechanical Code" is used in this code herein adopted, it shall mean the 2021 Edition of the *ICC International Mechanical Code* with Local Amendments and will be known as the Memphis and Shelby County Mechanical Code (MSCMC).

**International Plumbing Code** – Whenever the word "International Plumbing Code" is used in this code herein adopted, it shall mean the 2021 Edition of the *ICC International Plumbing Code* with Local Amendments and will be known as the Memphis and Shelby County Plumbing Code (MSCPC).

**Retaining Wall** – A manmade structure built out of rock, block, wood, concrete or other similar material and used to either directly support retained material or to serve as a facing of a cut slope. This definition includes, but is not limited to other systems design to retain earth or other materials such geosynthetic-reinforced soil system or pre-engineered modular materials.

**Structural Wall.** An interior load-bearing wall and/or a wall that forms the perimeter of a floor opening, as defined by 301.2.2.3.11.12, Item 3.

### **Chapter 3 Building Planning**

11. Table R301.2 (1) shall read as follows and all existing footnotes shall remain unchanged.

### Table R301.2 Climatic and Geographic Design Criteria

GROUND	WIND DESIGN				SEISMIC	SUBJECT TO DAMAGE FROM			ICE BARRIER	FLOOD	AIR	MEAN ANNUAL
SNOW	Speed <sup>d</sup>	Topographic	Special	Windborne	DESIGN	Weatheringa	Frost	Termite <sup>c</sup>	UNDERLAYMENT	HAZARDg	FREEZING	TEMPERATURE
LOAD <sup>o</sup>	(mph)	effects k	wind	debris	CATEGORY		Line		REQUIRED <sup>h</sup>		INDEXi	( <sup>0</sup> F) <sup>j</sup>
			region <sup>l</sup>	zone <sup>m</sup>			Depth <sup>b</sup>					
10 lb/ft <sup>2</sup>	105	No	No	No	$\mathbf{D}_{I}$	Moderate	5	Moderate	No	February	158	61.8
							Inches	to Heavy		6, 2013		

12. Sections R301.2.2.1 "Determination of seismic design category" and R301.2.2.1.1 Alternative determinations of seismic design category" shall be deleted in their entirety along with Table R301.2.2.1.1 and that section held in reserve so that when amended the code shall read as follows:

#### Section R301.2.2.1 – Reserved

**R301.2.2 Seismic provisions.** The seismic provisions of this code shall apply as follows:

- 1. Townhouses in Seismic Design Categories C, D<sub>0</sub>, D1 and D2.
- 2. Detached one- and two-family dwellings in Seismic Design Categories D<sub>0</sub>, D<sub>1</sub>, and D<sub>2</sub>
- 3. Townhouses and detached one- and two-family dwellings shall be allowed to follow Section R301.2.2.3.11 as an alternative compliance method for meeting the structural requirements of this code's seismic provisions.

# 13. A new section R301.2.2.3.11 is added entitled "Alternative compliance method for structural requirements." along with its various subsections numbered R301.2.2.3.11.1 thru R301.2.2.3.11.12 which shall read as follows:

R301.2.2.3.11 Alternative compliance method for seismic structural requirements. In addition to meeting all the structural requirements for Seismic Design Category C and sections R301.2.2, an alternative compliance method for meeting seismic structural requirements when wood framing is used shall include compliance with the following items. In the event any requirement in this section differs from wind code structural requirements, the more stringent will apply.

**R301.2.2.3.11.1** Anchorage exterior walls (Sole Plates). Exterior wall sole plates shall be secured to the foundation or framing below by one of the following methods:

- 1. Foundation: ½ inch (12.7 mm) anchor bolts, with 3 inch by 3 inch (76 mm by 76 mm) washers, embedded in the foundation a minimum of 7 inches (178 mm) in depth. Such anchor bolts are to be placed 4 feet on center maximum and within 12 inches (305 mm) of the end of each plate section. A minimum of 2 anchors per plate section is required.

  2. Foundation: MASA anchors or equivalent embedded in the foundation and placed at 4 feet (1219 mm) on center maximum and within 12 inches (305 mm) of the end of each plate section. A minimum of 2 anchors per plate section is required.
- 3. Elevated Floors: 10d nails placed at 8 inches on center and embedded in a continuous rim board. Rim board depth to match depth of floor framing. Rim board shall be nailed to the end of each floor framing member with three 10d nails. Where floor framing parallels exterior wall, 2 rim boards shall be provided and nailed per Table R602.3(1). The Rim board shall be fastened to wall top plate with metal plates at 6 feet (1829 mm) on center; installed plate capacity shall equal or exceed 440 pounds

**R301.2.2.3.11.2 Anchorage all interior structural walls (Sole Plates).** Interior wall framing shall be secured by one of the following methods:

- 1. Foundation: ½ inch (12.7mm) anchor bolts, with 3 inches by 3-inch (76 mm by 76 mm) washers, embedded a minimum of 7 inches (178 mm) in depth in the concrete foundation (thickened slab) at 4 feet (1219 mm) on center maximum and within 12 inches (305mm) of the end of each plate section.
- 2. Foundation: By power actuated fasteners that provide 210 pounds per linear foot shear capacity, placed 2 feet (610 mm) on center maximum and within 12 inches (305 mm) of each plate section or equivalent means of anchorage. A minimum of 2 anchors are required per plate section.
- 3. Elevated Floors: 10d nails placed at 8 inches (204 mm) on center and embedded in one of the following:
- a) Structural wall top plate flush with bottom of floor sheathing, or
- b) Floor joist parallel with and directly below plate, or
- c) Blocking, depth to match, placed between floor joists and running the full length of the plate. Blocking to be nailed per Table R602.3(1).
- **R301.2.2.3.11.3 Stud spacing Exterior walls.** All 2x4 exterior walls shall be a maximum of 16 inch (406 mm) stud spacing up to 3 stories. Gypcrete flooring or similar cementitious leveling products shall not be used on elevated floors.

**Exception:** Thin-set or other base material required for installation of flooring products in isolated confined spaces such as bathrooms.

#### **R301.2.2.3.11.4** Wall sheathing.

- **R301.2.2.3.11.4.1** Exterior wall sheathing. Exterior wall sheathing shall be 7/16 inch (11mm) exterior rated OSB or equivalent or 7/16 inch (11mm) exterior rated plywood, minimum. Sheathing is to be fastened every 6 inches (152 mm) on the edges and 12 inches (305 mm) at intermediate supports.
- **R301.1.2.2.3.11.4.2** Interior wall sheathing. Interior walls shall have sheathing on both sides. Interior sheathing shall be a minimum of ½ inch (12.7mm) gypsum fastened every 7 inches (178 mm) on edges and every 7 inches (178 mm) at intermediate supports. Minimum fastener size shall be 5d cooler or wallboard nails or 1 ¼" #6 Types S or W screws.
- **R301.2.2.3.11.5**. **Garage door openings.** Brace wall panels are required for garage openings as per Section R602.10.6 of this Code.

**Exception** - An engineered pre-manufactured wall panel is allowed to be used at garage openings.

**R301.2.2.3.11.6.APA Narrow Wall systems are not permitted.** Use of APA narrow wall systems is not permitted for establishing compliance with these requirements.

**R301.2.2.3.11.7** Connections across floor joist space. 18 gauge galvanized steel coil strapping (ex. CS 18) installed at 48 inch (1219 mm) on center across floor joist space or equivalent is required on all exterior walls and stacked interior structural walls. Strapping shall run vertical along edge of studs and shall be centered on floor joist space. Studs shall be vertically aligned.

**R301.2.2.3.11.8 Roof framing connections.** Roof framing members shall be fastened to wall top plate with 18-gauge galvanized steel clips (ex. H2.5A) or equivalent, not to exceed 48 inches (1219 mm) on center maximum. Provide clips in addition to fastening requirements in Table R602.3(1). This requirement applies to all contact points with structural walls. In the event wind fastening requirements differ, the more stringent shall apply.

#### **R301.2.2.3.11.9** Shear wall hold downs.

- 1. Exterior walls: A single hold down shall be installed at each end of each wall over 8 feet (2438 mm) in length (2 hold downs per wall length). Hold down capacity (P), in pounds, shall be equal to 210 lbs/ft times wall height. (P = 210 \* H)
- 2. Wall height (H): distance from wall bottom plate to wall top plate.
- 3. A cut sheet of the hold down type(s) used shall be provided to code enforcement when requested by the Building Official. Cut sheet shall show tested product load rating and manufacturer information.
- **R301.2.2.3.11.10 Opening straps/clips.** This section applies only to window and door openings and only to openings located in exterior walls and interior structural walls. Louver, pipe penetrations, dryer vents, and all other wall openings are not required to meet this section unless they exceed 4 sq. ft. in area.
- 1. Studs above and below headers and windowsill plates: Provide 18-gauge galvanized steel clips (ex. H2.5A) or equivalent at 32 inches (813 mm), top and bottom of studs, minimum 2 clips per opening width at headers and sills.
- 2. Headers: Headers shall bear on minimum 1 ply jack post and be fastened to post with 18-gauge galvanized steel clips (ex. H2.5A), or continuous sheathing from king post to header or sill or equivalent.
- 3. Windowsill plate: Sill plate shall be end nailed with three 10d nails each end through minimum 1 ply of king/jack posts, or continuous sheathing from king post to header or sill, or equivalent.
- 4. King/Jack posts: Provide 20-gauge galvanized steel stud plate connector (ex. SP1) or equivalent from post to wall plate, top and bottom. Post plies shall be nailed together with 10d nails at 8 inches (204 mm) on center staggered full height.

#### R301.2.2.3.11.11 Brick veneer.

- 1. Exterior brick veneer shall not exceed 25 feet (7620 mm) in height above non-combustible foundation. Brick at gable peaks shall not exceed 40 feet (12 192 mm) in height above non-combustible foundation.
- 2. Exterior brick veneer shall comply with all other applicable Chapter 7 IRC requirements.
- 3. Interior brick veneer and masonry chimneys shall comply with Chapter 7 IRC requirements.

**R301.2.2.3.11.12 Floor openings.** When floor openings in the second or third floors exceed 15 percent of the ground floor square footage, garage space excluded, they shall be considered as large floor openings.

- 1. The gross floor area shall be the area bounded by exterior walls.
- 2. Openings for stairs and egress are excluded from the net floor opening area.
- 3. Perimeter interior walls bounding a large floor opening shall be considered structural walls and shall be subject to all requirements as such. If perimeter walls are not present below opening perimeter (i.e. beam and column system is used), the supporting structure shall be engineered.

# 14. R302.3 and R302.3.1 shall be amended to delete the entire sections and replace with the following:

#### R302.3 Two-family dwellings.

#### **R302.3.1** Two Family Dwellings

Dwelling units in two-family dwellings shall be separated from each other by wall and floor assemblies having not less than a 1-hour fire-resistance rating tested in accordance with ASTM E199, UL 263, or Section 703.2.2 of the International Building Code. Such separation shall be provided regardless of whether a lot line exists between the dwelling units or not. Fire-resistance-rated floor/ceiling and wall assemblies shall extend to and be tight against the exterior wall, and wall assemblies shall extend from the foundation to the underside of the roof sheathing.

#### **Exceptions:**

- 1. A fire-resistance rating of ½ hour shall be permitted in buildings equipped throughout with an automatic sprinkler system installed in accordance with NFPA 13D.
- 2. Wall assemblies need not extend through attic spaces where the ceiling is protected by not less than 5/8-inch (15.9 mm) Type X gypsum board, an attic draft stop constructed as specified in Section R302.12.1 is provided above and along the wall assembly separating the dwellings and the structural framing

supporting the ceiling is protected by not less than ½-inch (12.7 mm) gypsum board or equivalent.

#### **R302.3.4 Supporting Construction.**

Where floor assemblies are required to be fire-resistance rated by Section R302.3, the supporting construction of such assemblies shall have an equal or greater fire-resistance rating.

# 15. Delete Section R313.1 "Townhouse automatic fire system", its Exception and Section 313.1.1 "Design and installation" in their entirety with no replacement

16. Delete Section R313.2 "One and two-family dwellings automatic fire system", its Exception and Section 313.2.1 "Design and installation" in their entirety with no replacement.

# 17. Amend Section R320 entitled "Accessibility" is amended by adding a new Section R320.3 as follows:

#### **R320.3** Visitability Requirements (Applicable in the City of Memphis Only):

**R320.3.1 Statement of intent -** The adoption of Ordinance #5541 by the City of Memphis on December 12, 2013, was specifically enacted to further the policy of the City of Memphis to provide new one- and two-family dwellings that are constructed with public funds as described in this section, be provided with design features to provide accessibility and usability for persons with mobility impairments. The purpose of that ordinance is to specifically promulgate certain standards which may be less restrictive than ICC/ANSI A117.1 while economically providing solutions to accessibility.

**R320.3.2 Applicability** - This section applies to new one- and two-family dwellings that receive City and Federal assistance. For the purposes of this Section, "City or Federal Assistance" shall mean funding or assistance from the City of Memphis, or any agent thereof, through any of the following means:

- (1) Receipt of a building contract or similar contractual agreement involving any city funding program or funding provided thought the Division of Housing and Community Development, Memphis Housing Authority, or the Memphis Land Bank, Inc.
- (2) Real estate purchased, lease or donate from the City of Memphis or any agent thereof
- (3) Dispersal under city auspices of any Federal or State construction funds such as HOME, CDBG; or
- (4) Receipt of any other funding or financial benefit from the City of Memphis or any agency thereof.

#### **R320.3.3 Requirements**

**R320.3.3.1 Building entrances**. Applicable dwelling units shall be designed and constructed to have at least one building entrance on an accessible route served by a ramp complying with ANSI A117.1-1986, Section 4.8, having a maximum slope not to exceed one in twelve (1:12), unless it is impractical to do so because of terrain or unusual character of the site. Such building entrance

doors shall comply with ANSI A117.1, Section 4.13, and shall have a minimum clear opening of 32 inches. Any exterior entrance is acceptable provided it is served by an accessible route such as a garage, carport or sidewalk. A ramp required by this section shall be maintained for a minimum of one year from the date of the final inspection.

- R320.3.3.2. Accessible routes into and through the dwelling unit. An accessible route shall be provided throughout the ground floor of the dwelling unit and shall be constructed to provide a minimum clear width of 36-inches except at doors. Doors shall have thresholds not exceeding <sup>3</sup>/<sub>4</sub> inch in height for sliding doors or <sup>1</sup>/<sub>2</sub> inch in height for other doors.
- **R320.3.3.3.** Interior doors. User passage doors providing access to spaces within a dwelling unit, other than closets less than 15 square feet in area, shall provide a 32-inch minimum clear width and shall be equipped with lever-type hardware. The clear width provided by a standard 210 door or 6-foot sliding door shall be permitted. Compliance with the maneuvering and clearance requirements of Section 4.13.6 of ANSI A117.1-1986 shall be required.
- **R320.3.3.4** Wall reinforcement in bathrooms Reinforcements in the walls shall be provided at designated locations as specified by ANSI A117.1, Section 4.24, Section 4.32, figure 48, and figure 49 so that grab bars may be installed where needed without requiring the removal of the wall covering.
- **R320.3.3.5** Controls and operating mechanisms. Controls and operating mechanisms in accessible spaces, along accessible routes, or as part of accessible elements such as light switches, receptacle outlets, and thermostats shall comply with Section 4.25 of ANSI A117.1-1986. Where multiple controls serve the same elements (e.g. two remote switches for a light) only one need be accessible.
- **R320.3.4** Contracts. The provisions of this Section shall be incorporated into City of Memphis contracts.
- **R320.3.5** Waiver of exterior disability accessibility regulations. The requirements of Section R320.3.3.1 may be waived by the Director of the Memphis Division of Housing and Community Development (the Director), through the issuance of an "Exterior Disability Accessibility Waiver" ("waiver").
- **R320.3.5.1 Application.** Applications for waivers shall be submitted to the Director and shall include all documentation needed to show the conditions on site that make compliance with this section impracticable.
- **R320.3.5.2 Granting waiver**. The Director shall act on the application within 10 days of receipt and, where approved, shall issue the waiver in writing. The waiver and application shall become part of the contract documents and the Director shall retain a copy for the Department's records and forward a copy to the Building Official.

#### 18. Delete Section R327 in its entirety and replace it with the following

### Section R327 Swimming Pools, Spas and Hot Tubs

**R327.1** General. The design and construction of swimming pools, spas and hot tubs shall comply with the provisions of this section.

**R327.2 Pools in flood hazard areas.** Pools that are located in flood hazard areas established by Table R301.2(1), including above-ground pools, on-ground pools and inground pools that involve the placement of fill, shall comply with Section AG101.21 or AG101.2.2.

**Exception:** Pools located in riverine flood hazard areas which are outside of designated floodways.

**R327.2.1 Pools located in designated floodways.** Where pools are located in designated floodways, documentation shall be submitted to the building official which demonstrates that the construction of the pool will not increase the designated flood elevation at any point with the jurisdiction.

R327.2.2 Pools located where floodways have not been designated. Where pools are located where design floodways have not been designated, the applicant shall provide a floodway analysis that demonstrates the proposed pool will not increase the design flow elevation more than 1 foot (305mm) at any point within the jurisdiction.

**R327.3 Definitions General.** For the purposes of these requirements, the terms used shall be defined as follows and as set forth in Chapter 2.

Above Ground/Inground Pool. See Swimming Pool

**Barrier.** A fence, wall, building wall, or combination thereof that completely surround the swimming pool and obstructs access to the swimming pool.

Hot Tub. See Swimming Pool.

**In-Ground Pool.** See Swimming Pool

**Residential.** That which is situated on the premises of a detached one- or two-family dwelling, or a townhouse not more than three stories in height.

Spa, Nonportable. See Swimming Pool

**Spa Portable**. A nonpermanent structure intended for recreational bathing, in which all controls, water heating and water circulation equipment are an integral part of the product.

**Swimming Pool.** Any structure intended for swimming or recreational bathing that contain water more than 24 inches (610mm) deep. This includes in-ground, above ground and on ground swimming pools, hot tubs and spas.

**Swimming Pool, Indoor.** A swimming pool which is totally contained within a structure and surrounded on all four sides by walls of the enclosing structure.

**Swimming Pool**, **Outdoor**. Any swimming pool which is not an indoor pool.

#### **R327.4 Swimming Pools**

- **R327.4.1 In-ground Pools.** In-Ground Pools shall be designed and constructed in compliance with ANSI/NSPI-5.
- **R327.4.2 Above ground and on-ground pools.** Above ground and on ground pools shall be designed and constructed in compliance with ANSI/NSPI-4.
- **R327.4.3 Pools in flood hazard areas.** In flood hazard areas established by Table R301.2(1), pools in coastal high-hazard areas shall be designed and constructed in compliance with ASCE24.

#### **Section 326.5 Spas and Hot Tubs**

- **R327.5.1** Permanently installed spas and hot tubs. Permanently installed spas and hot tubs shall be designed and constructed in compliance with ANSI/NSPI-3.
- **R327.5.2 Portable spas and hot tubs.** Portable spas and hot tubs shall be designed and constructed in compliance with ANSI/NSPI-6.

#### **R327.6 Barrier Requirements**

- **R327.6.1 Application**. The provisions of this section shall control the design of barriers for residential swimming pools, spas and hot tubs. These design controls are intended to provide protection against potential drownings and near-drownings by restricting access to swimming pools, spas and hot tubs.
- **R327.6.2 Outdoor swimming pools**. An outdoor swimming pool, including in-ground, above-ground or on-ground pool, hot tub or spa shall be surrounded by a barrier which shall comply with the following:
  - 1. The top of the barrier shall be at least 48 inches (1219 mm) above grade measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches (51mm) measured on the side of the barrier which faces away from the swimming pool. Where the top of the pool structure is above grade such as an above ground pool, the barrier may be at ground level such that the pool structure or mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the tops of the pool structure and the bottom of the barrier shall be 4 inches (102 mm).

- 2. Openings in the barrier shall not allow the passage of a 4-inch diameter (102 mm) sphere.
- 3. Solid barriers which do not have openings such as masonry or stone walls, shall not contain indentations or protrusions, except for normal construction tolerances and tooled masonry joints.
- 4. Where the barrier is composed of horizontal and vertical members, and the distance between the tops of the horizontal members is less than 45 inches (1143mm) the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed 1 ¾ inches (44 mm) in width. Where there are decorative cutouts with vertical members, spacing within the cutouts shall not exceed 1 ¾ inches (44 mm) in width.
- 5. Where the barrier is composed of horizontal and vertical members, and the distance between the tops of the horizontal members is 45 inches (1143 mm) or more, spacing between vertical members shall not exceed 4 inches (102 mm).
- 6. Maximum mesh size for chain link fences shall be  $2\frac{1}{4}$  inches (57 mm) square, unless the fence has slats fastened at the top or the bottom which reduce the openings to not more than  $1\frac{3}{4}$  inches (44 mm).
- 7. Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal member shall be more than 1 <sup>3</sup>/<sub>4</sub> inches (44 mm).
- 8. Access gates shall comply with the required of items 1 through 7, and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outward away from the pool and shall be self-closing and have a self-latching device. Gates other than pedestrian access gates, shall have a self-latching device. Where the release mechanism of the self-latching device is located less than 54 inches (1372 mm) from the bottom of the gate, the release mechanism and opening shall comply with the following;
  - 8.1 The release mechanism shall be located on the pool side of the gate at least 3 inches (76 mm) below the top of the gate and
  - 8.2 The gate and barrier shall have no opening larger than ½ inch (12.7 mm) within 18 inches (457 mm) of the release mechanism.
- 9. Where a wall of a dwelling serves as part of the barrier, one of the following conditions shall be met:
  - 9.1 The pool shall be equipped with a powered safety cover in compliance with ASTM F 1346;

- 9.2. Doors with direct access to the pool through the wall shall be equipped with an alarm which produces an audible warring when the door and or its screen if present are opened. The alarm shall be listed and labeled in accordance with UL 2017. The deactivation switches shall be located at least 54 inches (1373 mm) above the threshold of the door; or
- 9.3 Other means of protection, such as self-closing doors with self-latching device that are approved the governing body shall be accepted as long as the degree of protection afforded is not less than the protection afforded by item 9.1 or 9.2 described herein.
- 10. Where an above-ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure and the means of access is a ladder or steps.
  - 10.1 The ladder or steps shall be capable of being secured, locked or removed to protect access, or
  - 10.2 The ladder or steps shall be surrounded by a barrier which meets the requirements of items 1 through 9. When the ladder or steps are secured, locked or remove, any opening created shall not allow the passage of a 4-inch (102 mm) diameter sphere.

#### **Chapter 4 Foundations**

# 19. Delete Section 401.3 and its Exception in their entirely and substitute the following:

**401.3 Drainage and foundation elevation.** – Surface drainage shall be diverted to a storm sewer conveyance or other approved point of collection that does not create a hazard. Lots shall be graded to drain surface water away from foundation walls. The finish floor (elevation) shall be nominal 10 inches above the exterior finish grade (ground) and the finish grade shall slope a minimum of 8% (1 in 12) away from foundation for a minimum of 3 feet for drainage.

# 20. Section R403.1.1 "Minimum size" is deleted in its entirety and replaced with the following:

**R403.1.1 Minimum size**. Minimum size for concrete and masonry footings shall be as set fourth in Table R403.1 and Figure R403.1 (1). The footing width, W, shall be based on the load-bearing value of the soil in accordance with Table R401.4.1. All footings shall be at least 10 inches (255mm) in thickness. Footing projections, P, shall be at least 2 inches (51mm) and shall not exceed the thickness of the footing. The size of footing supporting piers and columns shall be based on the tributary load and allowable soil pressure in accordance with Table R401.4.1.

# 21. Section R403.1.4 "Minimum depth" is deleted in its entirety and replaced with the following language.

**R403.1.4 Minimum depth.** All footings shall bear on undisturbed or properly compacted soils a minimum of 13 inches (330 mm) below grade. When applicable the depth of footing shall also conform to Section R403.1.4.1 through R403.1.4.2.

22. Figure R403.1 (2) entitled "Permanent Wood Foundation Basement Wall Section" and Figure R403.1 (3) entitled "Permanent Wood Foundation Crawl Space Section" are deleted with no replacement provided.

23. Section R403.2 is deleted in its entirety and replaced with the following language.

Section R403.2. Reserved

24. Section R404.2: is deleted in its entirety and replaced with the following language.

Section R404.2 Reserved

25. Section R405.2 is deleted in its entirety and replaced with the following language.

Section R405.2. Reserved

26. Section R406.3 is deleted in its entirety and replaced with the following language.

Section R406.2. Reserved

**Chapter 5 Floors** 

27. Section R504 is deleted in its entirety and replaced with the following language.

Section R504. Reserved

**Chapter 7 Wall Covering** 

- 28. Section R703.2 Water-Resistive Barrier is amended to add #5 in the list of approved materials as follows:
- 5. Tyvek sheeting for exterior sheathing
- 29. Delete Chapter 11 in its entirety and replace it with the following Sections:

#### **Chapter 11 Energy efficiency**

#### Section N1101 - General

**N1101.1 Scope**. This chapter sets forth the energy-efficiency related requirements for the design and construction of buildings regulated by this code.

**Exception:** Provided that they are separated by building envelope assemblies from the remainder of the building, portions of the building that do not enclose conditioned space shall be exempt from the building envelope provision but shall comply with the provisions for building mechanical and service water heating systems.

**N1101.2 Applicability:** One- and two-family dwellings and townhouses shall comply with the residential provisions of the 2018 International Energy Conservation Code as locally amended.

#### Part V-Mechanical

#### 30. Delete Chapter 12 in its entirety and replace it with the following:

#### **Chapter 12 Mechanical Administration**

**Section M1201 General.** The administration of the Mechanical Provisions of this Code shall be determined by reference to the latest adopted Memphis and Shelby County Mechanical Code.

#### 31. Delete Chapter 13 in its entirety and replace it with the following:

#### **Chapter 13 General Mechanical System Requirements**

**Section M1301 General.** The General Mechanical System Requirements Provisions of this Code shall be determined by reference to the latest adopted Memphis and Shelby County Mechanical Code

#### 32. Delete Chapter 14 in its entirety and replace it with the following:

#### **Chapter 14 Heating and Cooling Equipment**

**Section M1401 General.** The heating and cooling equipment provisions of this Code shall be determined by reference to the latest adopted Memphis and Shelby County Mechanical Code.

#### 33. Delete Chapter 15 in its entirety and replace it with the following:

#### **Chapter 15 Exhaust Systems**

**Section M1501 General.** The exhaust system provisions of this Code shall be determined by reference to the latest adopted Memphis and Shelby County Mechanical Code.

#### 34. Delete Chapter 16 in its entirety and replace it with the following:

#### **Chapter 16 Duct Systems**

**Section M1601 General.** The provisions of this code relating to the construction and operation of duct system shall be determined by reference to the latest adopted Memphis and Shelby County Mechanical Code.

#### 35. Delete Chapter 17 in its entirety and replace it with the following:

#### **CHAPTER 17 Combustion Air**

**Section M1701 General.** The provisions of this code relating to the construction and operation of combustion air shall be determined by reference to the latest adopted Memphis and Shelby County Mechanical Code.

#### 36. Delete Chapter 18 in its entirety and replace it with the following:

#### **Chapter 18 Chimneys And Vents**

**Section M1801 General**. The provisions of this code relating to the construction and operation of chimneys and vents shall be determined by reference to the latest adopted Memphis and Shelby County Mechanical Code and Building Code.

#### 37. Delete Chapter 19 in its entirety and replace it with the following:

#### **Chapter 19 Special Appliances, Equipment and Systems**

**Section M1101 General.** The provisions of this code relating to the construction and operation of special fuel burning equipment shall be determined by reference to the latest adopted Memphis and Shelby County Mechanical Code.

#### 38. Delete Chapter 20 in its entirety and replace it with the following:

#### **Chapter 20 Boilers And Water Heaters**

**Section M2001 General.** The provisions of this code relating to the installation and operation of boilers and gas water heaters shall be determined by reference to the latest adopted Memphis and Shelby County Mechanical Code.

#### 39. Delete Chapter 21 in its entirety and replace it with the following:

#### **Chapter 21 Hydronic Piping**

**Section M2101 General.** The provisions of this code related to the installation and operation of hydronic piping shall be determined by reference to the latest adopted Memphis and Shelby County Mechanical Code.

#### 40. Delete Chapter 22 in its entirety and replace it with the following:

#### **Chapter 22 Special Piping and Storage Systems**

**Section M2201 General.** The provisions of this code related to the installation and operation of special piping and storage systems shall be determined by reference to the latest adopted Memphis and Shelby County Mechanical Code.

#### 41. Delete Chapter 23 in its entirety and replace it with the following:

#### **Chapter 23 Solar Thermal Energy Systems**

**Section M2301 General.** The provisions of this code related to the installation and operation of Solar Energy Systems shall be determined by reference to the latest adopted Memphis and Shelby County Mechanical Code.

#### Part VI - Fuel Gas

### 42. Delete Chapter 24 in its entirety and replace it with the following:

#### **Chapter 24 Fuel Gas**

**Section G2401 General.** The provisions of this code related to the installation and operation of Fuel Gas shall be determined by reference to the latest adopted Memphis and Shelby County Fuel Gas Code.

#### Part VII - Plumbing

#### 43. Delete Chapter 25 in its entirety and replace it with the following:

#### **Chapter 25 Plumbing Administration**

**Section P2401 General.** The provisions of this code related to the Plumbing Administration shall be determined by reference to the latest adopted Memphis and Shelby County Plumbing Code.

#### 44. Delete Chapter 26 in its entirety and replace it with the following:

#### **Chapter 26 General Plumbing Requirements**

**Section P2601 General.** The provisions of this code related to the General Plumbing Requirements shall be determined by reference to the latest adopted Memphis and Shelby County Plumbing Code.

#### 45. Delete Chapter 27 in its entirety and replace it with the following:

#### **Chapter 27 Plumbing Fixtures**

**Section P2701 General.** The provisions of this code related to the Plumbing Fixtures shall be determined by reference to the latest adopted Memphis and Shelby County Plumbing Code.

#### 46. Delete Chapter 28 in its entirety and replace it with the following:

#### **Chapter 28 Water Heaters**

**Section P2801 General.** The installation and operation of electric water heaters shall be determined by reference to the latest adopted Memphis and Shelby County Plumbing and Electrical Codes.

#### 47. Delete Chapter 29 in its entirety and replace it with the following:

#### **Chapter 29 Water Supply And Distribution**

**Section P2901 General.** The provisions of this code related to the installation and operation of water supply and distribution systems shall be determined by reference to the latest adopted Memphis and Shelby County Plumbing Code.

#### 48. Delete Chapter 30 in its entirety and replace it with the following:

#### **Chapter 30 Sanitary Drainage**

**Section P3001 General.** The provisions of this code related to the installation and operation of sanitary drainage systems shall be determined by reference to the latest adopted Memphis and Shelby County Plumbing Code.

#### 49. Delete Chapter 31 in its entirety and replace it with the following:

#### **Chapter 31 Vents**

**Section P3101 General.** The provisions of this code related to the installation and operation of vents systems and related devices attached to a plumbing system

shall be determined by reference to the latest adopted Memphis and Shelby County Plumbing Code.

#### 50. Delete Chapter 32 in its entirety and replace it with the following:

#### **Chapter 32 Traps**

**Section P3201 General.** The provisions of this code related to the installation and operation of traps that are part of or attached to plumbing systems shall be determined by reference to the latest adopted Memphis and Shelby County Plumbing Code.

#### 51. Delete Chapter 33 in its entirety and replace it with the following:

#### **Chapter 33 Storm Drainage**

**Section P3301 Scope.** The provision of this code related to the design, materials, construction and installation of storm drains shall be determined by reference to the latest adopted Memphis and Shelby County Plumbing Code.

#### Part VII -Electrical

#### 52. Delete Chapter 34 in its entirety and replace it with the following:

#### **Chapter 34 General Requirements**

**Section E3401 General.** The provisions of this code related to the General Requirements for electrical installations shall be determined by reference to the latest adopted Memphis and Shelby County Electric Code.

#### 53. Delete Chapter 35 in its entirety and replace it with the following:

#### **Chapter 35 Electrical Definitions**

**Section E3501 Electric Definitions.** The provisions of this code related to the Electric Definitions shall be determined by reference to the latest adopted Memphis and Shelby County Electric Code.

#### 54. Delete Chapter 36 in its entirety and replace it with the following:

#### **Chapter 36 Services**

**Section E3601 Services.** The provisions of this code related to the electrical services shall be determined by reference to the latest adopted Memphis and Shelby County Electric Code.

#### 55. Delete Chapter 37 in its entirety and replace it with the following:

#### **Chapter 37 Branch Circuit And Feeder Requirements**

**Section E3701 General.** The provisions of this code related to Branch Circuit and Feeder Requirements for electrical installations shall be determined by reference to the latest adopted Memphis and Shelby County Electric Code.

#### 56. Delete Chapter 38 in its entirety and replace it with the following:

#### **Chapter 38 Wiring Methods**

**Section E3801 General.** The provisions of this code related to the General Requirements for electrical installations shall be determined by reference to the latest adopted Memphis and Shelby County Electric Code.

#### 57. Delete Chapter 39 in its entirety and replace it with the following:

#### **Chapter 39 Power And Lighting Distribution**

**Section E3901 General.** The provisions of this code related to Power and Lighting Distribution for electrical installations shall be determined by reference to the latest adopted Memphis and Shelby County Electric Code.

#### 58. Delete Chapter 40 in its entirety and replace it with the following:

#### **Chapter 40 Devices And Luminaires**

**Section E4001 General.** The provisions of this code related to Devices and Lighting Fixtures shall be determined by reference to the latest adopted Memphis and Shelby County Electric Code.

#### 59. Delete Chapter 41 in its entirety and replace it with the following:

#### **Chapter 41 Appliance Installation**

**Section 4101 General.** The provisions of this code related to Application Installation for electrical installations shall be determined by reference to the latest adopted Memphis and Shelby County Electric Code.

#### 60. Delete Chapter 42 in its entirety and replace it with the following:

#### **Chapter 42 Swimming Pools**

**Section E4201 General.** The provisions of this code related to the electric installations for swimming pools shall be determined by reference to the latest

adopted Memphis and Shelby County Electric Code. Those related to building matters will be determined by reference to the latest adopted Memphis and Shelby County Building Code.

### 61. Delete Chapter 43 in its entirety and replace it with the following:

### Chapter 43 Class 2 Remote-Control, Signaling And Power-Limited Circuits

**Section E4301 General.** The provisions of this code related to Class 2 Remotecontrol, signaling and Power-limited Circuits shall be determined by reference to the latest adopted Memphis and Shelby County Electric Code.