

WHEREAS, it is fitting that the Memphis City Council recognize and honor institutions of higher education whose longstanding commitment to academic excellence, leadership development, and community service has positively impacted generations of students and strengthened the City of Memphis; and

WHEREAS, the Memphis City Council has, on numerous occasions, recognized LeMoyne-Owen College for its unwavering commitment to providing a transformative educational experience and preparing students for lives of leadership, scholarship, service, and success; and

WHEREAS, established in 2021, the annual **807 Giving Day** was created to honor the College's historic address at 807 Walker Avenue. The name "807" serves as both a tribute to the institution's rich history and a meaningful reminder that every gift, regardless of size, makes a lasting impact on the lives of its students; and

WHEREAS, the centerpiece of the week's celebrations is the **807 Giving Day Telethon**, the College's largest annual fundraising event, which has raised as much as \$170,000 in a single day to support student scholarships, academic programs, and institutional initiatives; and

WHEREAS, the week-long celebration, held on the historic campus of LeMoyne-Owen College, includes Worship on Walker on Sunday, the Magic Monday Mixer for alumni and friends, and culminates with the live-streamed **807 Giving Day Telethon** on Thursday; and

WHEREAS, the **807 Giving Day Telethon** is broadcast live from 8:07 a.m. until 8:07 p.m. across the College's social media platforms and LOC TV, celebrating generous contributions, check presentations, and the many supporters whose investments help shape the future of LeMoyne-Owen College students.

NOW, THEREFORE, BE IT RESOLVED, that the Memphis City Council hereby recognizes and honors LeMoyne-Owen College on the occasion of its

Fifth Annual 807 Giving Day

and extends its sincere appreciation to the faculty, staff, alumni, donors, volunteers, community partners, and all those whose generosity and dedication continue to strengthen the College's mission and positively impact future generations of students.

Adopted July 21, 2026:

MEMPHIS CITY COUNCIL MEMBERS



FORD CANALE



CHASE CARLISLE



YOLANDA COOPER-SUTTON



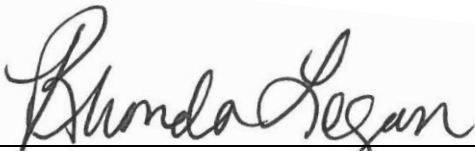
DR. MICHALYN EASTER-THOMAS



EDMUND FORD, SR.



JERRI GREEN



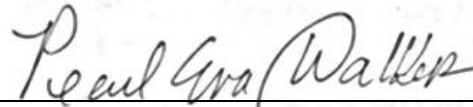
RHONDA LOGAN



JB SMILEY, JR.



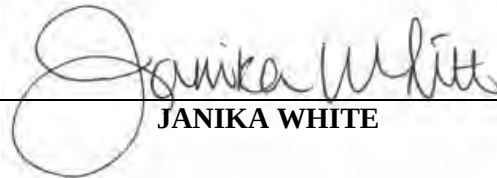
PHILIP SPINOSA, JR.



PEARL EVA WALKER



JEFF WARREN



JANIKA WHITE



JANA SWEARENGEN-WASHINGTON
CHAIRWOMAN

BEFORE THE MEMPHIS CITY COUNCIL

**ROMULUS CORPORATION d/b/a BUSTER’S LIQUOR & WINES,
LIQUOR & WINE DEPOT, LLC, and
DB INVESTMENTS, LLC d/b/a D’S SPIRITS & WINE,**

Appellants,

v.

Case No. T36342

**GRIND MANAGEMENT, LLC d/b/a THE STATION, and
ETHAN NEIL A. EDWARDS,**

Appellees.

APPELLANTS’ BRIEF

STATEMENT OF JURISDICTION

This appeal is taken pursuant to Memphis City Code §§ 4-12 and 7-4-13. Appellants timely filed their Notice of Appeal within ten (10) days of the Memphis Alcohol Commission’s January 7, 2026 decision. Accordingly, the decision is not final, and jurisdiction properly lies with the Memphis City Council sitting in its quasi-judicial capacity.

ISSUE PRESENTED

Whether the Memphis Alcohol Commission erred in approving a Certificate of Compliance based on a survey that measures distance through internal parking lot drive aisles – rather than along the centerline of a public or private street as required by Memphis City Code § 7-4-5(a).

SUMMARY OF THE ARGUMENT

This case presents a straightforward application of Memphis City Code § 7-4-5(a). When the ordinance is applied correctly, the proposed location does not satisfy the 1,500-foot distance requirement. Four independent surveyors – including the City Engineer and licensed surveyor Jack

McAdoo, who confirmed under oath the proper measurement methodology permitted by § 7-4-5(a) – measured the distance using the methodology required by the ordinance and concluded that the location falls hundreds of feet short of compliance.

The only contrary result departs from the ordinance’s requirements by routing the measurement through parking lot drive aisles and curb cuts before reaching the street. That approach is not permitted by the ordinance, which requires measurement from the front entrance to the centerline of the public street on which the business fronts.

The attempt by Grind Management, LLC d/b/a The Station and Ethan Neil A. Edwards (“Edwards”) to justify this methodology by labeling parking lot lanes as a “private passageway” fails as a matter of law. As the Tennessee Supreme Court has recognized, a passageway is a limited right-of-way easement – not a parking lot. Under Tennessee law, an easement is a defined, nonpossessory interest in land – typically involving a burden on one parcel for the benefit of another – rather than a general right to use an undefined internal circulation area within a single parcel. *See Vanderbilt Univ. v. Williams*, 152 Tenn. 664 (1925).

The record further establishes that Edwards knew from the outset that the location for his proposed liquor store, The Station, did not comply with Tennessee law. His own surveyor and attorney warned him of that reality before he filed his first application. Rather than correct course, he directed the preparation of a favorable survey that ignored the applicable ordinance. After the Chancery Court overturned the prior approval, Edwards ultimately adopted the manufactured distance methodology now before the Council.

The ordinance provides a clear rule. Four surveyors followed it. The location fails. The Commission’s approval should be reversed.

STATEMENT OF THE CASE

This appeal arises from the Memphis Alcohol Commission's January 7, 2026 decision recommending approval of a Certificate of Compliance for a retail liquor store at 870 S. White Station Road – even though just six months earlier on April 8, 2025, the City Council refused to grant the request that the distance requirement in Memphis City Code §7-4-5(a) be waived. The proposed location is situated near Woodland Presbyterian Church and School. Memphis City Code § 7-4-5(a) prohibits a liquor store from operating within 1,500 feet of such protected uses, as measured perpendicular from the front door to the street on which it fronts, then along the centerline of the same street.

Following prior litigation that invalidated the earlier Memphis Alcohol Commission approval, Edwards submitted a second application supported by a new survey prepared by The Reaves Firm. Unlike all prior surveys, the Reaves Firm survey did not measure from the front entrance using a perpendicular line to the street on which the proposed liquor store fronts. Instead, it routed the measurement through internal parking lot drive aisles before reaching the street, thereby artificially increasing the total distance. Nevertheless, the Memphis Alcohol Commission approved the application based on that faulty methodology. This timely appeal followed.

STATEMENT OF FACTS

A. The Ordinance Requires Measurement From the Street On Which the Proposed Liquor Store Fronts

Memphis City Code § 7-4-5(a) requires that the 1,500-foot distance be measured from a point in the centerline of the street on which the liquor store fronts, and then along the centerlines of the street to the nearest point of the protected property. The ordinance does not authorize gerrymandered measurements through parking lots, drive aisles, or interior circulation routes.

B. Four Independent Surveys Confirm Non-Compliance

Four separate surveys – prepared by different professionals at different times – applied the ordinance’s required methodology and reached the same conclusion: the proposed location is within 1,500 feet of Woodland Presbyterian Church and School.

- Pickering Firm (2024): ~**1,169** feet (notably this survey was commissioned by Edwards, but he refused to adhere to the professional advice he received)(see Figure 2 and BATES A-0001-0002)
- SR Consulting (2025): ~**1,190** feet (see Figure 2 and BATES MAC Record 0175-0176)
- McAdoo Land Survey (2025): ~**1,089** feet (see Figure 2 and BATES MAC Record 0177-0178)
- City Engineer (2025): ~**1,099** feet (see Figure 2 and BATES MAC Record 0154)

Each of these surveys measured a perpendicular line from the front door to the centerline of White Station and turned down Park Avenue toward Woodland, as required by the ordinance.

As confirmed by the sworn Affidavit of licensed land surveyor Jack McAdoo, each of these measurements was performed using the methodology required by § 7-4-5(a) – i.e., measuring from the point on the centerline of South White Station Road directly opposite the store entrance and proceeding along street centerlines to the protected property. See Affidavit of Jack McAdoo, BATES A-0031-0035.

Using that required methodology, Mr. McAdoo determined the distance to be approximately 1,089 feet – well below the 1,500-foot requirement – and further confirmed that multiple independent measurements applying the same standard reached consistent results. See Affidavit of Jack McAdoo, BATES A-0031-0035.

C. The Reaves Firm Survey Uses a Parking Lot Route

The Reaves Firm survey is the only analysis claiming compliance. It achieves that result by routing the distance measurement, not to the street on which the business fronts, but rather through internal parking lot drive aisles and curb cuts before reaching White Station Road. This

circuitous route adds approximately 400 feet of artificial distance and avoids the direct path required by the ordinance. See Figure 2 and BATES MAC Record 062-064.

D. Edwards Was Advised the Location Did Not Comply

The record unequivocally establishes that Mr. Edwards knew the location was non-compliant from the outset.

On September 5, 2024, the Pickering surveyor Lynn Spencer prepared a survey and advised Edwards: **“The store doesn’t meet the ‘Straight Line Measurements.’ Can you get a Variance?”**

See BATES A-0001-0002.

On September 6, 2024, Pickering surveyor Lynn Spencer stated:

Gerald says I’m not measuring correctly between the liquor store & the school and is supposed to send me an example of exactly where he says the measurements need to take place. **The rules in the application are pretty clear, but I’ll create a plat/map showing how he interpretate [sic] the rules. I don’t want to call the city for clarification and stir up all kinds of problems for you.**

See BATES A-0016.

I agree and it depends on who you talk to in the city. **Which is why I’d rather take Gerald’s [sic] word over calling the city.** At the city, it depends on who you talk to and my calling may cause a red flag when you turn in the application.

See BATES A-0015.

On September 13, 2024, his attorney, Mark Jobe, similarly warned Edwards of concerns regarding the distance when measured along White Station Road and Park Avenue: **“Yea ... I am a little concerned about the distance to Woodland if you go south on White Station and east on Park...”**

See BATES A-0019.

Mr. Jobe further stated:

I do think you have to turn down Park and finish 1500 feet E and W from the center line.

See BATES MAC Record 0248.

Rather than abandon the location or seek clarification from the City, Edwards – along with an individual identified as “Gerald” – directed how the survey should be drawn and proceeded with the application.

On September 15, 2024, after being instructed by ‘Gerald’ on how to measure, Pickering surveyor Lynn Spencer stated “...**Gerald told me I was doing the linear measurement incorrectly. He sent me a sample showing the linear measurement the way I show it on the survey.**”

See BATES A-0019.

Figure 1: The survey that Pickering allowed to be submitted by Edwards to the Memphis Alcohol Commission after changing the September 5, 2024 survey as directed by Edwards and Gerald without turning down Park Avenue towards Woodland Presbyterian Church and Woodland Presbyterian School.

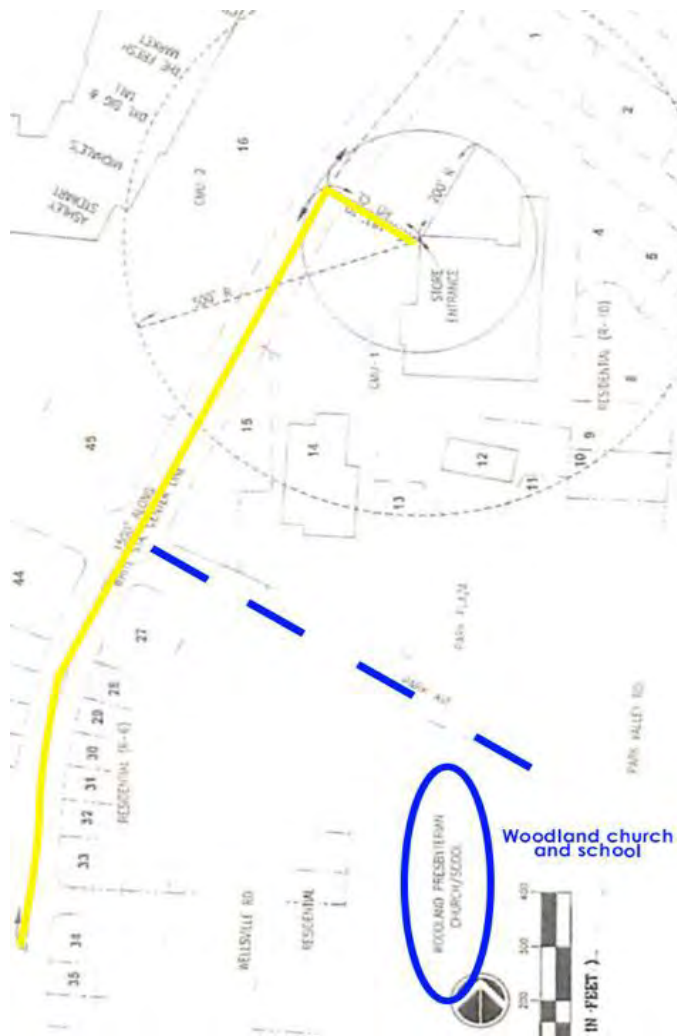


Figure 2:

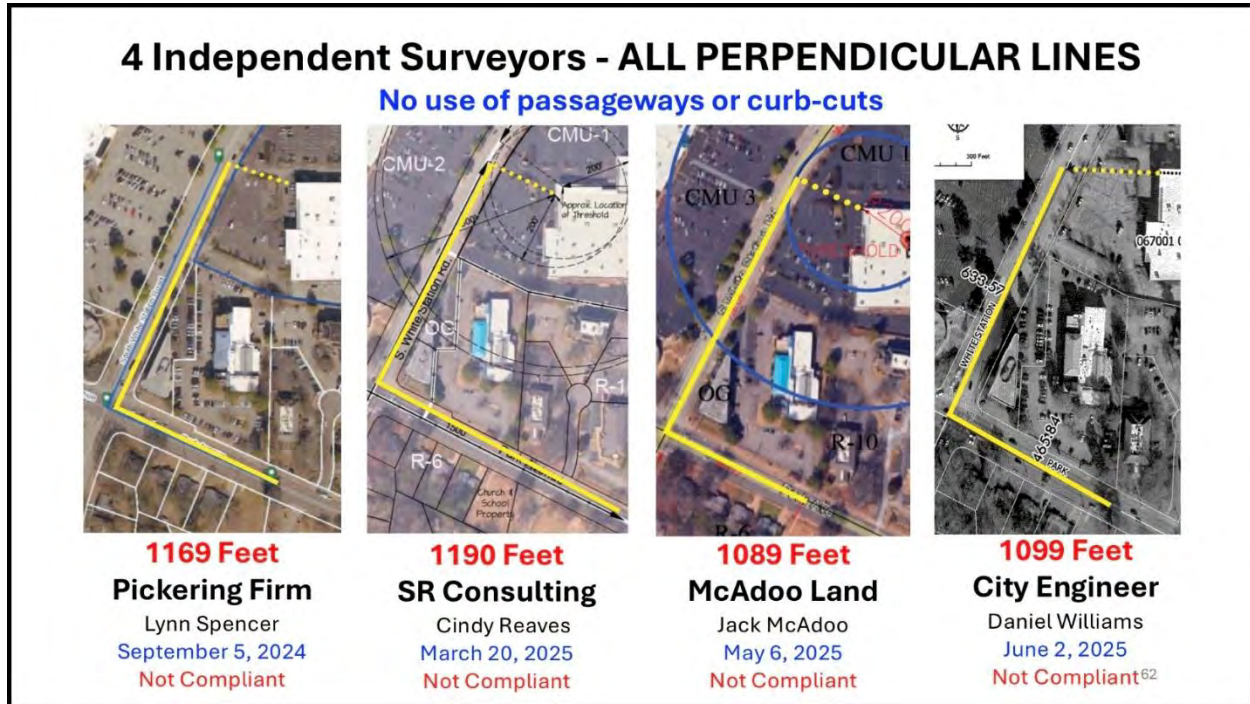
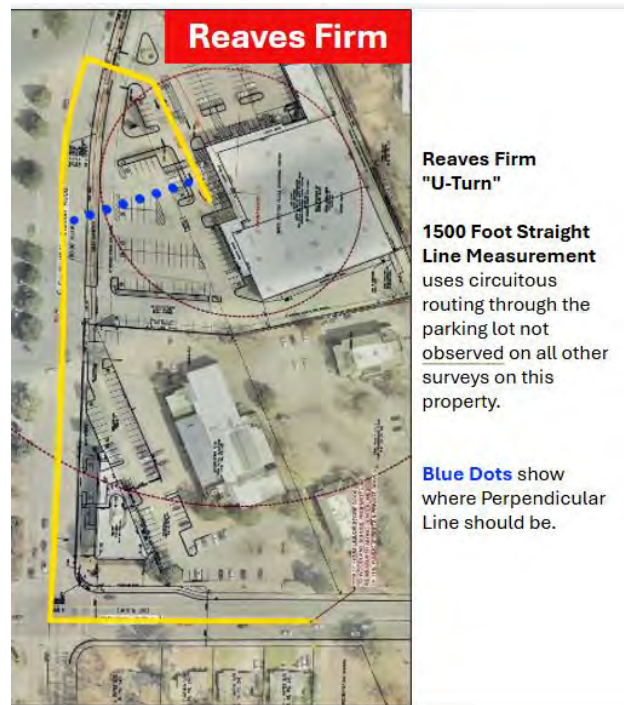


Figure 3:



ARGUMENT

A. FOUR INDEPENDENT SURVEYORS CONFIRM THE LOCATION IS NOT COMPLIANT

The most reliable evidence in the record is the consistent conclusion of four independent surveyors applying the ordinance as written. Licensed surveyor Jack McAdoo – retained specifically to evaluate compliance with § 7-4-5(a) – applied the required methodology and determined the distance to be approximately 1,089 feet. He further opined that the Reaves Firm survey does not comply with the ordinance because it improperly routes the measurement through internal parking lot drive aisles rather than beginning at the required street centerline. See Affidavit of Jack McAdoo, BATES A-0031-0035. His findings align with three other surveys, including the City Engineer’s analysis. Each used the same measurement approach mandated by § 7-4-5(a) and each concluded the location is not compliant.

This uniformity across independent professionals is compelling. When multiple surveyors using the correct method of measurement reach the same result, that result reflects compliance with the ordinance – not a skewed interpretation.

Notably, The Reaves survey does not refute this evidence. It avoids it by changing the method.

B. THE REAVES SURVEY VIOLATES THE ORDINANCE BY USING A PARKING LOT ROUTE

The ordinance requires that the measurement begin from the centerline of the street on which the liquor store fronts – taken from a point directly opposite the threshold of the building – and then proceed along the centerline of that street and intersecting streets. The Reaves Firm survey does not do that. Instead, it begins its measurement by routing through internal parking lot drive aisles before ever reaching the street. As Mr. McAdoo explains, internal parking lot drive aisles

are not “streets” or qualifying private passageways under § 7-4-5(a), and no accepted surveying standard permits measurement to originate within a parking lot where the property fronts on a public street. See Affidavit of Jack McAdoo, BATES A-0031-0035.

There can be no reasonable dispute that the proposed liquor store fronts on South White Station Road. Memphis Light Gas & Water assigned this address to the location, and it is the governmental authority responsible for address assignments in Memphis and Shelby County. MLGW assigns addresses “by the direction in which the house is facing” or “based on the main entrance to the building.” See Address Verification for Lots in Commercial Addresses and Address Verification for Lots in Residential Subdivision BATES A-0036-0037. Here, that entrance faces South White Station Road.

The Unified Development Code confirms this analysis. Under UDC Section 12.3.1, the 'Primary Street' for a site is the abutting street with the highest classification. South White Station Road is the arterial street on which The Station's entrance faces—and from which it receives its address. The UDC further provides that 'Required building frontage... shall be determined for an individual building by measuring the width of the building along the public right-of-way or private street on which it is oriented.' UDC § 3.10.3. The Station is oriented toward South White Station Road. Its frontage under both MLGW addressing standards and the UDC is - **South White Station**.

The Reaves Firm survey ignores South White Station Road entirely at the point of origin. This is not authorized by the ordinance and fundamentally alters the required measurement. Instead, the Reaves Firm survey substitutes parking lot circulation for a “street.” A parking lot is neither designed nor regulated as a street under the Uniform Development Code, nor is it treated as a street under § 7-4-5(a). By introducing a circuitous route through parking lot drive aisles and

curb cuts, the Reaves Firm survey artificially increases distance and manufactures compliance with the ordinance.

Compliance cannot be achieved by changing the path of measurement the ordinance prescribes. The ordinance controls the method - and the method controls the outcome.

C. THE REAVES METHODOLOGY IS NOT A RECOGNIZED OR CONSISTENT APPLICATION OF THE ORDINANCE

The impropriety of the Reaves methodology is further confirmed by the Reaves Firm's own contradictory testimony and prior work. At the January 7, 2026 Memphis Alcohol Commission hearing, the Reaves Firm surveyor testified that he "used the passageways" in preparing the subject survey and suggested that similar methodology could be applied to other properties depending on the size of the shopping center. See the January 7, 2026 transcript, BATES MAC Record 0091-0092. That testimony is directly contradicted by the Reaves Firm's own prior surveys for other Memphis liquor stores, including R&R Liquors and Sanchos Liquors. See BATES MAC Record 00179-0181.

In those surveys, The Reaves Firm did not route measurements through parking lot drive aisles. Instead, it applied the same ordinance-compliant methodology used by every other surveyor in this case – measuring from the building to the street centerline and then along public streets. The "private passageway" theory appears nowhere in those prior surveys.

When questioned about why the same methodology was not used at other locations, the surveyor could not provide a consistent or credible explanation. See the January 7, 2026 transcript, BATES MAC Record 0113-0117. Nor did he respond when asked whether the circuitous routing was used only because access points had been altered at this particular site. See the January 7, 2026 transcript, BATES MAC Record 0113.

These inconsistencies are not minor. They demonstrate that the manufactured distance methodology used here is not a standard application of the ordinance, but a case-specific departure designed to achieve a predetermined result rather than to apply a consistent methodology.

D. THE REAVES SURVEY LACKS RELIABILITY AND SHOULD BE AFFORDED NO WEIGHT

The credibility of a survey depends on the consistent application of accepted methodology. Here, the Reaves Firm has applied one method in every prior instance and a different method only in this case – without a principled basis for doing so. When a surveyor’s interpretation of an ordinance changes depending on the outcome sought, the resulting analysis is not reliable evidence. It reflects an outcome-driven interpretation rather than a consistent application of the ordinance.

By contrast, four independent surveyors – including the City Engineer – applied the ordinance consistently and reached the same conclusion: the location does not comply. The Council should give no weight to a survey that departs from the ordinance, contradicts the surveyor’s own prior work, and is supported by testimony that is internally inconsistent and demonstrably inaccurate.

E. A “PRIVATE PASSAGEWAY” IS A LIMITED EASEMENT – NOT A PARKING LOT

The Reaves survey claims that the parking lot drive aisle is a “private passageway.” That premise is incorrect and as a matter of law and is inconsistent with the factual record. A “private passageway,” as used in the ordinance, is not an undefined driving surface like a parking lot. Rather, it is a **legally created easement** – a specifically designated access route that functions as a street between properties.

Tennessee courts have consistently recognized that a “passageway,” driveway, or lane is a limited right-of-way easement confined to ingress and egress – not a general area for vehicular circulation. *See Vanderbilt Univ.*, 152 Tenn. 664 (recognizing that a passageway conveys only an easement and not a possessory interest, and does not permit obstruction or occupation); *Knight v. Utz*, 673 S.W.2d 161 (Tenn. Ct. App. 1984) (holding that a shared driveway easement must be used consistent with its purpose and that misuse may be enjoined but does not alter the easement’s nature); *Jones v. Ross*, 54 Tenn. App. 136, 388 S.W.2d 640 (1963) (recognizing reciprocal easement rights in a shared driveway and prohibiting either owner from obstructing access). Tennessee courts further emphasize that easements are strictly limited to their intended purpose and may not be expanded beyond that use. *See Celco P’ship v. Shelby Cnty.*, 172 S.W.3d 574, 588 (Tenn. Ct. App. 2005).

These authorities establish a consistent principle: a “private passageway” is a defined easement functioning as a roadway between properties—not an internal parking lot circulation area. Such passageways allow for ingress and egress between separate parcels and presuppose distinct dominant and servient estates and a defined right of access.

No such relationship exists here. There is no dominant or servient estate. The area where the proposed liquor store is located lies entirely within a **single parcel** and it functions as a parking lot.

Tennessee statutory law reinforces this same limitation. Under Tenn. Code Ann. § 54-14-101, a private road may be established only through formal legal process, must be laid out as a defined route, and is limited in width—generally not exceeding fifteen to twenty-five feet. This statutory framework confirms that a “private road” or passageway is a specific, legally recognized corridor for ingress and egress—not an open or undefined area of vehicle movement.

Local law confirms the opposite concept—what a parking lot is. The Unified Development Code defines a “Parking Lot” as “[a]ny land area used or intended to be used for the purpose of temporary, daily, or overnight storage of vehicles,” and expressly distinguishes such areas from public rights-of-way, travel lanes, and easements for ingress or egress. UDC § 12.3.1. By expressly excluding parking lots from rights-of-way, travel lanes, service drives, and access easements, the UDC confirms that parking lot drive aisles cannot be treated as 'streets' or 'passageways' for measurement purposes.

Moreover, the record further reflects that the White Station Plaza Curb Entrance Modifications document identifies the area in question as a “**parking lot.**”

The UDC further requires that private streets meet specific standards that the parking lot drive aisles do not satisfy. Under UDC Section 5.2.17, a private street must be: (1) "labeled on the final plat and be assigned a lot and block number from its subdivision"; (2) "constructed to equal or exceed the base materials, compaction, and final surfacing standards for public streets" and "certified as such by the applicable City or County Engineer"; and (3) "owned and maintained by a property owners association." The parking lot at White Station Plaza meets none of these requirements. It is not platted as a private street, was not constructed or certified to street standards, and is not maintained as a street. It is simply a parking lot – which the UDC treats as categorically distinct from streets and access easements.

The definition makes clear that a parking lot is not a roadway or passageway for travel between properties, but rather a space designed for vehicle storage and internal circulation. Nothing in that definition suggests that a parking lot – or its internal drive aisles – may be treated as a street or passageway for purposes of distance measurement.

This statutory framework reinforces the same principle reflected in Tennessee case law: a private road or passageway is a specific, legally recognized corridor for ingress and egress – not a flexible or expandable area of vehicle movement. Parking lot drive aisles – unstructured, variable, and designed for circulation and parking access – bear none of these characteristics.

An example of a “private passageway” is the Operation and Easement Agreement in the record. See Operation and Easement Agreement, BATES A-0049-0123. The Operation and Easement Agreement demonstrate a typical passageway arrangement: property owners expressly grant ingress, egress, and access easements over defined areas, including “main access drives” and “permanent access drives,” for the purpose of vehicular and pedestrian movement throughout the development. These easements are recorded, tied to specific corridors, intended for through travel, and function as roadways benefiting multiple parcels.

These easements share several defining characteristics:

- They are **expressly created and recorded**
- They are **tied to specific defined routes or corridors** (not general open areas)
- They are intended for **through travel between parcels or buildings**
- They function as **roadways within a development**, not as parking areas
- They benefit multiple parcels (dominant estates) and burden others (servient estates)

In other words, a true passageway is a **planned, continuous access route – essentially a private street – embedded in the legal and physical design of the property**. This is consistent with both industry standards and the ordinance’s language, which defines a private street as a “private passageway for vehicles in a multi-establishment commercial area.”

By contrast, a parking lot drive aisle is not a passageway. It is not created by easement, is not a defined corridor, and does not function as a route of travel between parcels. Instead, it exists to serve parking spaces – to allow vehicles to circulate, turn, and access individual parking stalls. As reflected in the record and confirmed by Mr. McAdoo, drive aisles are unstructured, variable

in path, interrupted by parking movements, and designed for low-speed circulation and parking access—not roadway travel. See Affidavit of Jack McAdoo, BATES A-0031-0035.

The Reaves methodology disregards these distinctions. Rather than measuring from the centerline of South White Station Road – the street on which the store fronts – it begins by routing the measurement through parking lot drive aisles as if they were qualifying passageways. But those areas are not designated access easements, are not continuous roadway features, and do not function as streets between parcels. They are simply parking lot lanes.

The ordinance permits measurement along a “public or private street.” It does not permit applicants to construct a measurement path through any drivable surface. If parking lot drive aisles could be treated as “private passageways,” then distance could be extended indefinitely by weaving through internal circulation routes. The ordinance contains no such allowance.

Once the proper definition is applied, the Reaves methodology fails. A true passageway is a defined access easement functioning as a roadway. The Reaves route relies on undefined parking lot circulation. The ordinance permits the former, not the latter. Accordingly, the Reaves survey does not apply the ordinance – it circumvents it.

F. EDWARDS PROCEEDED WITH FULL KNOWLEDGE OF NON-COMPLIANCE

This is not a case involving uncertainty or competing interpretations. The record establishes that Edwards knew the location did not comply and proceeded anyway. He was told so by his own surveyor. He was warned by his own attorney. Yet he chose to direct the preparation of a survey that avoided the required measurement path. The emails reflect a conscious decision not to involve the City to avoid complications.

Edwards’ initial efforts failed and the strategy shifted – from survey manipulation by “Gerald”, to requests for legislative relief, to challenging the Ordinance in Chancery Court (which

the Memphis City Council was required to defend against his challenge) and ultimately to the Reaves Firm's parking lot routing scheme. This pattern reflects a sustained effort to achieve compliance through changing methodologies rather than adherence to the ordinance.

Equity does not favor a party who knowingly proceeds in violation of an ordinance and later attempts to engineer compliance.

G. COMPARISONS TO OTHER PROPERTIES ARE IRRELEVANT

Any comparison to other liquor stores, including Buster's East, is immaterial.¹ This appeal requires application of § 7-4-5(a) to this property based on this record. The record here is clear: four independent surveys establish non-compliance. Other properties may involve different facts, different configurations, or grandfathered status. Those circumstances do not alter the ordinance or its application here.

The Council's role is to apply the ordinance to the record before it – not to compare unrelated properties.

H. ACCEPTING THE REAVES METHODOLOGY WOULD EVISCERATE THE ORDINANCE AND INVITE WIDESPREAD CIRCUMVENTION

The implications of the Reaves Firm's manufactured distance measurement extend far beyond this property. If internal parking lot drive aisles can be treated as "private passageways," then the 1,500-foot requirement in § 7-4-5(a) becomes effectively meaningless. Any applicant could manufacture compliance simply by routing a measurement through parking lot circulation rather than along the street.

Under that manufactured distance theory:

¹ See McAdoo Land Survey BATES A-0047-0048 – only added to the record to address Edwards' anticipated argument that Buster's East fails to meet the requirements of §7-4-5(a).

- A property that is **1,000 feet from a church or school** could be deemed compliant by weaving through a shopping center parking lot;
- A direct, ordinance-compliant route could be replaced with a **longer, circuitous path** through drive aisles, curb cuts, and internal lanes;
- The distance requirement would no longer be fixed or objective, but instead **dependent on how creatively a survey is drawn.**

The result would be predictable and immediate. Numerous properties that are currently non-compliant would suddenly qualify – not because their location changed, but because the measurement path was manipulated. This would lead to the **proliferation of liquor stores in locations the ordinance was specifically designed to protect**, including areas near churches, schools, and other protected areas. The ordinance’s purpose – to create meaningful separation between liquor stores and protected properties – would be undermined.

Accepting the Reaves methodology would also conflict with the UDC's fundamental distinction between streets and parking lots. The UDC expressly defines parking lots as areas that are not rights-of-way, travel lanes, or access easements. See UDC § 12.3.1. If parking lot drive aisles can be treated as "private passageways" for distance measurement, then the UDC's categorical distinction becomes meaningless. Any applicant could extend the measurement path indefinitely by routing through parking lot circulation.

Notably, when Edward’s counsel appeared before the City Council on April 8, 2025, he sought relief from §7-4-5(a) because the proposed liquor store did not meet the distance requirement. **The City Council turned down his request.** See the Minutes Meeting of the City Council City of Memphis, April 8, 2025, Item 20.

Edwards next attempted to convince the Chancery Court that the City Council had abolished § 7-4-5. **The Chancery Court ruled against him.** See Chancery Court Order on Cross-Petition, BATES MAC Record 0155-0159.

Now, through a manufactured distance survey, Edwards is attempting to achieve the same result – by attempting to achieve indirectly what he could not obtain directly.

Importantly, this is not a speculative concern. The Reaves methodology provides a roadmap for circumvention. Once accepted, it would be available to every future applicant. Courts and administrative bodies routinely reject interpretations that allow regulated parties to evade clear requirements through artificial or self-serving constructions. The same principle applies here. The ordinance must be applied in a manner that preserves its function – not one that allows it to be bypassed through parking lot routing. But if this manufactured distance methodology is sanctioned by the Memphis City Council – it becomes more than the latest attack on the ordinance – it risks becoming the governing standard.

The Council should reject an interpretation that invites widespread evasion and instead apply the ordinance as written. If accepted, this methodology would not merely misapply the ordinance – it would rewrite it.

CONCLUSION

The ordinance provides a clear rule. Four independent surveyors followed it. The location does not comply. The only contrary result depends on treating a parking lot as a street and rewriting the measurement method. The ordinance does not permit that.

For these reasons, Appellants respectfully request that the Council:

1. **OVERRULE** the Memphis Alcohol Commission's January 7, 2026 decision;
2. **FIND** that the proposed location does not satisfy Memphis City Code § 7-4-5(a); and
3. **DENY** the Certificate of Compliance.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing was served upon the following via e-mail on March 20, 2026:

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/s/ Kristina A. Woo

BEFORE THE MEMPHIS CITY COUNCIL

**IN RE: APPLICATION OF
GRIND MANAGEMENT d/b/a THE STATION**

No. T36342

BRIEF OF RESPONDENT GRIND MANAGEMENT, LLC

Respondent Grind Management, LLC (“Grind Management”), by and through its counsel, respectfully submits this Brief to the Memphis City Council (the “City Council”), and states as follows.

The Appellants have appealed the Memphis Alcohol Commission’s (the “MAC”) recommendation to Mayor Paul Young to grant Grind Management a certificate of compliance, which is a prerequisite to obtaining a retail package store license from the Tennessee Alcoholic Beverage Commission (the “TABC”). The Appellants contend that Grind Management’s store, The Station, does not meet the 1,500-foot distance restriction set forth in Section 4-5 of the 1985 Code of Ordinances, City of Memphis, Tennessee (the “Memphis City Code”). The Appellants are wrong. This appeal fails for three independent reasons: it challenges the wrong application; the 2025 application satisfies the Memphis City Code; and the City Council lacks authority to overturn the MAC recommendation on this record. Because Grind Management is in full compliance with all requirements, the City Council should deny and dismiss this appeal.

I. THE STATION IS IN FULL COMPLIANCE.

The City Council should deny the Appellants’ challenge in its entirety. The plain language of Section 4-5 of the Memphis City Code is unambiguous and dispositive. Competitor-driven obstruction cannot change that result, nor should it be permitted to obscure what the Memphis City Code plainly says.

This purported “challenge” is not a good-faith effort to enforce the law. It is a calculated attempt by market competitors to weaponize governmental processes and eliminate competition.

The hypocrisy is glaring. Appellant Romulus Corporation d/b/a Buster’s Liquors and Wine (“Buster’s”)—the primary challenger—relied on the very same Memphis City Code language to open its Ridgeway Trace store. Now that Grind Management has properly relied upon that same language, Buster’s (and the other Appellants) asks this City Council to pretend the language does not exist. But the Memphis City Code does not read “rules for thee, but not for me.” It applies equally to all applicants. The City Council should not entertain this meritless, unprecedented challenge, and the MAC’s decision should be upheld.

II. FACTUAL AND PROCEDURAL BACKGROUND.

Grind Management is currently operating The Station, a retail package store (colloquially known as a liquor store) located at 870 S. White Station Rd., Memphis, Tennessee 38117 (the “Site”). The Site is situated in White Station Plaza, a multi-establishment commercial area that is of at least two acres in size and that is zoned to allow a store selling goods including alcohol. Grind Management received a certificate of compliance (“COC”) from Mayor Young on January 7, 2025, and a Retail Package Store License from the TABC on February 3, 2026. Since then, The Station’s doors have been lawfully open for business.

The Appellants challenge the MAC’s January 7, 2026 recommendation that Mayor Young issue the COC. Their primary contention is that Grind Management and the MAC used an incorrect measurement methodology to determine compliance with the Memphis City Code’s distance requirements from certain protected locations. But the Appellants’ challenge rests on a fundamentally flawed premise: they rely on a survey from the 2024 Application (as later defined herein), a GIS Analyst illustration, and other graphical illustrations that are unquestionably not

surveys from the related Chancery Court litigation that they initiated against Grind Management and the MAC, all of which are based on a prior configuration of the Site's parking lot and location of The Station's front door, and all of which apply an incorrect measurement methodology. They also point to a purported "survey" by a GIS Analyst within the city engineer's office that they claim shows noncompliance. But that document facially is not a survey at all; it is merely an illustration, and it, too, relates exclusively to the 2024 Application and the related litigation. The 2025 Application (as later defined herein) is a new application, supported by a new survey reflecting the Site as it exists today. The Appellants' insistence on relitigating the 2024 Application is nothing more than misdirection.

The Appellants are three liquor stores: Buster's; Liquor and Wine Depot, LLC; and DB Investments, LLC d/b/a D's Spirits & Wine. This coalition is led by Josh Hammond, president of Buster's. Their motivation is transparent: greed, anti-competitive behavior, and anti-Memphis antics. Because the Appellants are fixated on the past rather than the present, a brief recitation of the procedural history is necessary.

The 2024 Application.

On September 11, 2024, Grind Management submitted a full and complete application to the MAC for a COC (the "2024 Application") for The Station. The MAC considered the 2024 Application at its September 20, 2024 meeting and recommended that Mayor Young issue the COC. Mayor Young did so on September 25, 2024.

Grind Management then submitted its application for a retail package store license to the TABC on February 2, 2025. What followed was a pattern of delay orchestrated by Buster's. The TABC tabled that application month after month—from March to April, April to May, May to June, June to August—before ultimately denying it at the August 2025 meeting.

Less than two weeks after the TABC's denial, the Chancellor presiding over a lawsuit that Buster's had filed in Shelby County Chancery Court ruled that the MAC's September 20, 2024 meeting violated the Tennessee Open Meetings Act. The Chancellor declared that "any and all actions [the MAC] took at the September 20, 2024 meeting are as required by T.C.A. § 8-33-104 hereby declared void and of no effect, including the [MAC's] approval of Ethan Neil A. Edwards and Grind Management, LLC's application for a liquor license and the issuance of a Certificate of Compliance by the City." In effect, Grind Management's 2024 Application had never been approved or denied, and the September 20, 2024 meeting was, as a matter of law, a legal nullity. The legal result was clear: Grind Management was statutorily entitled to a COC, as the MAC had failed to act within sixty days of the application. *See* Tenn. Code Ann. § 57-3-208; *Kardoush v. City of Memphis Alcohol Commission*, No. W2005-001-40COA-CV, 2005 WL 3017602, at *4 (Tenn. Ct. App. Nov. 9, 2005).

Grind Management filed a second application with the TABC on September 11, 2025, premised on this statutory entitlement. The TABC, after further delay, denied the application at its October 2025 meeting on the basis that Grind Management was required to possess a physical COC. Putting aside the legality of that requirement, Grind Management did as instructed.

The 2025 Application.

Prior to filing a new application with the MAC, Grind Management's landlord, Belz, undertook modifications to the Site's parking lot and points of ingress and egress as part of a year's long effort to make security investments to the Site to improve traffic flow and respond to rising crime trends. These modifications, while not initiated solely for the purpose of compliance with local Alcohol ordinances, does effectively ensure the Site's compliance with the applicable ordinance beyond any reasonable question and achieved its intended safety goals. All

modifications and improvements to the Site were reviewed, permitted, and approved by the City of Memphis.¹ Because these modifications included changes to the parking lot configuration of the Site, the proper measurement methodology necessarily changed from the 2024 Application. Any survey, measurement, illustration, or Google Maps imagery proffered by the Appellants predating the 2025 Application, including the 2024 Application survey and a City GIS Analyst's graphic illustration that the Appellants falsely characterize as a "survey," is simply irrelevant to the 2025 Application. All of this was exhaustively deliberated by all parties at the January 7, 2026 MAC meeting, discussed below.

On December 2, 2025, Grind Management submitted an application for a COC to the MAC (the "2025 Application"), to be heard at the December 17, 2025 meeting. The 2025 Application included, among other things, a survey from the Reaves Firm confirming compliance with all applicable distance restrictions and an opinion letter from Glankler Brown analyzing the Site's compliance with applicable ordinances and codes.

At the December 17, 2025 meeting, the MAC considered the 2025 Application. Buster's, and the other Appellants, again appeared in opposition and persuaded the MAC to postpone the vote to January 7, 2026, ostensibly to allow time to review the application.

On January 7, 2026, the MAC again considered the 2025 Application. Grind Management presented extensive argument on the proper methodology for measuring the 1,500-foot distance requirement under Memphis City Code § 7-4-5. The Appellants' counsel argued in opposition,

¹ The southernmost curb cut has been closed to the public since 2023, prior to the 2024 Application and the present dispute. It was intentionally designated as an emergency-only access point, consistent with the City's own directives for safe site configuration. The Memphis Fire Department inspected and approved the installation of the emergency access barrier on the Southernmost curb cut on October 3, 2025, and MFD retains exclusive control over the lock. Belz does not have a key, and there is no public vehicular access to or from the property at this location.

continuing to rely on outdated evidence from the 2024 Application and related Chancery Court litigation rather than presenting new evidence relating to the 2025 Application and the survey submitted therewith. The Appellants contended that the Site can *never* be in compliance—regardless of what modifications are made. The MAC, over a several hour hearing spanning two meeting days, reviewed the 2025 Application on its merits, deliberated it exhaustively after allowing the Appellants to be fully heard, and approved it. Mayor Young issued the COC. The TABC subsequently approved Grind Management's third retail package store license application. Grind Management is now open and lawfully operating.

The Appellants seeks to unlawfully stifle competition.

The Appellants bring this challenge before the City Council, seeking yet another forum in which to litigate issues that do not exist. Its objective is transparent: revocation of Grind Management's COC so that it may then petition the TABC to revoke Grind Management's license. This is not a good-faith effort to enforce the law. It is a calculated attempt by a market competitor to weaponize governmental processes and eliminate competition. This appeal is driven by competitive concerns rather than any valid legal deficiency.

The record suggests that the appeal is an attempt to relitigate issues tied to the 2024 Application rather than address the 2025 Application on its own merits. The Appellants effectively contend that because the original Site configuration may not have satisfied every requirement, the Site can *never* be brought into compliance, no matter what modifications are made. To support this argument, the Appellants cling to a survey from the 2024 Application that was based on a prior parking lot configuration and an incorrect measurement methodology, and to a city GIS Analyst's informal assessment that is not a survey by any professional standard. Neither document has any bearing on the 2025 Application, which was supported by a new, professionally prepared survey

reflecting the Site's *current* configuration and applying the correct measurement methodology. Nothing in the ordinance supports this extraordinary proposition, and the concept defies common sense. The law routinely permits—indeed, encourages—the correction of deficiencies. The Appellants ask this City Council to adopt the remarkable position that Grind Management, and Grind Management alone, is barred from curing any issue, real or imagined, and must be permanently excluded from the market. The ordinance contains no such prohibition, and this City Council should not create one. The City Council should refuse to be conscripted into that effort. Grind Management has complied with every applicable requirement. The MAC approved the application. The TABC issued the license. Grind Management is open, operating, and serving the community in full compliance with the law. There is no legal basis to disturb any of these outcomes. The City Council has an opportunity to stand up for a local business, to rest on the plain language of the Memphis City Code, and to put an end to anti-competitive gamesmanship. Grind Management respectfully requests that the City Council deny this baseless challenge and affirm the MAC's decision.

III. GRIND MANAGEMENT FULLY COMPLIES WITH THE ORDINANCE.

The fundamental issue is whether the Site complies with the distance restriction set forth in Section 4-5(A) of the Memphis City Code. While lengthy, it is important to read the entirety of Section 4-5(A), as the Appellants seek to have the City Council ignore certain parts:

- A. No alcoholic beverages shall be maintained, distilled, rectified, sold or stored on any premises located within 1,500 feet (as measured along the center line of the street or streets as defined further herein and applying to retail liquor stores located on either side of such street or streets) from any church (defined as property owned and used by a church having regular attendance at its meetings and whose property is exempt from taxation by the property assessor); school (defined as duly accredited public, private, or parochial school for grades one through 12, or any other division of such grades); park (defined as public park upon which children usually play); library (defined as tax supported public library) or any other retail liquor store, or within a 500-foot radius in any other direction from any such church,

school, park, library, or any other retail liquor store or in any area in violation of the zoning ordinances. The 1,500 feet shall be measured from a point in the center line of the public **or private street (private street being defined to be a private passageway for vehicles in a multi-establishment (sic) commercial area of at least two acres in size)** on which the liquor store fronts, such point being directly opposite the center of the threshold of the wall of the liquor store if the threshold faces the street and if not, then at the midpoint of the liquor store building; thence along the center line of the street and the center line of intersecting street or streets to a point in the central line of the street opposite the nearest point to the property line of such church, school, park, library, or other liquor store which faces the public or private street. Such 500-foot restriction shall be measured from the center of the threshold of the store to the nearest point in the property line of such church, school, park, library, or other liquor store, it being the intent that no part of the property of such church, school, park, library, or other liquor store shall be within a 500 feet from the point in the center of the threshold of the liquor store. The measurements set forth herein shall apply only to liquor store locations after September 17, 1986. For clarification as to location and continuous use for liquor stores receiving a permit before September 17, 1968, such business may continue as long as;

1. The store remains at the same location;
2. It is a continuing business without any intervening use; and
3. Any transfer of ownership to subsequent or succeeding owners occurs within a one-day period (24 hours) without the depletion of inventories.

At any time a license is surrendered, all prior existing rights are nullified. In addition to the above set forth restrictions on locations due to measurement to such school, church, park or library, or any other liquor store, no liquor store may be located where any part of any residential property zoned R-15, R-10, R-8, R-6, RU-1 or RU-2 shall be within a radius of 200 feet from the point in the center of the threshold of the wall of the liquor store if the threshold faces the street and if not, then at the midpoint of the liquor store building. Liquor stores having received permits before September 17, 1968, shall be allowed to remain so long as they otherwise meet the ordinances. The subsequent location of a church, school, park or library nearer to the liquor store than the prescribed distance shall not of itself cause the removal of the liquor store so long as the liquor store remains at the same location. Likewise, should any real property be already zoned or which is rezoned R-15, R-10, R-8, R-6, RU-1 or RU-2 within the radius of such 200 feet above described, such zoning or rezoning shall not of itself cause the removal of the liquor store as long as the liquor store remains in the same location.

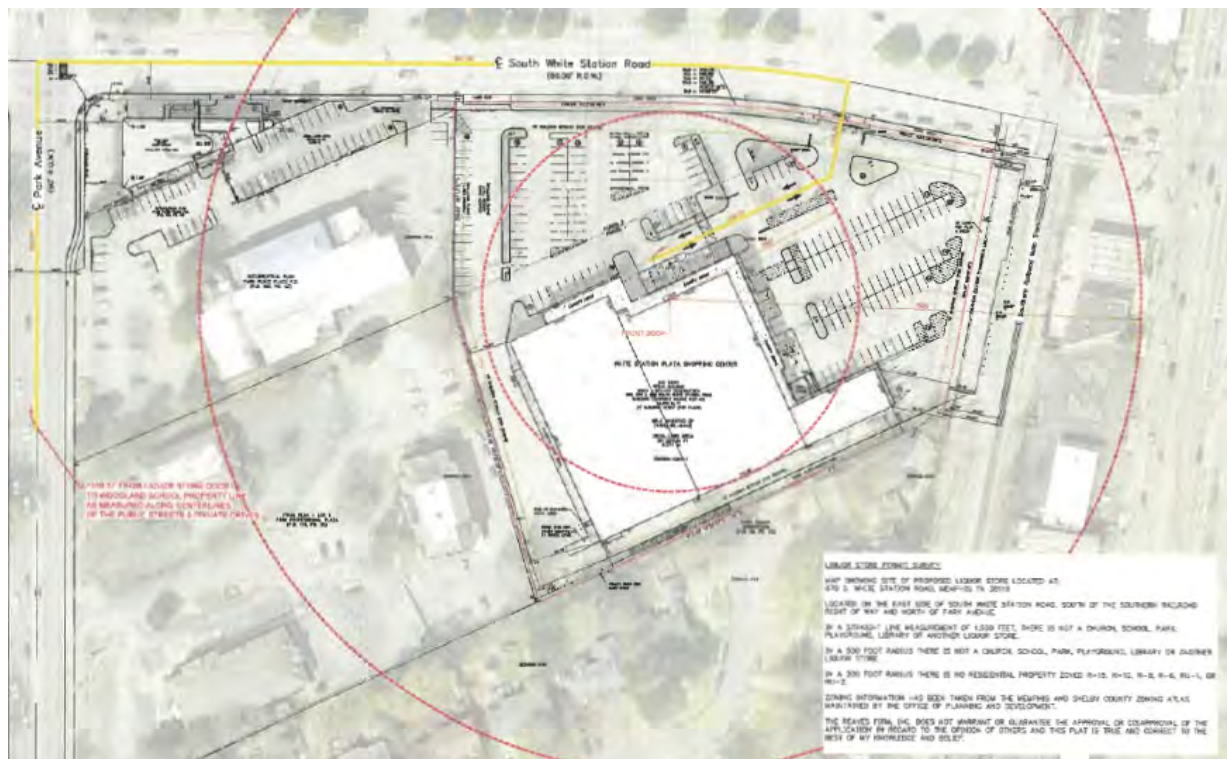
Memphis City Code § 4-5 (emphasis added).

At all times, the Site has been situated on a “private street,” as that term is defined in Memphis City Code § 4-5. The Site is located within White Station Plaza (the “Shopping Center”). The Shopping Center is approximately 4.953 acres with three tenants: The Station, Gold’s Gym,

and Mosa. Thus, the Shopping Center is a multi-establishment commercial area of at least two acres in size, and the proper measurement of the 1,500-foot requirement commences at the center point of the private passageway (*i.e.*, private parking lot aisle for a shopping center) directly opposite the center of the threshold of the wall of the liquor store (*i.e.*, the door) and continues along the private passageway out of the only curb cut accessible to the public.

The Site complies with both the 1,500 and 500-foot requirements. Specifically:

1. The nearest church and school is Woodland Presbyterian at 5217 Park Avenue, which is precisely **1,559.37 feet** from the Site. This is seen through the yellow line on the Survey.



2. The nearest park is Marquette Park at 4946 Alrose Avenue, which is well outside the 1,500-foot restriction.
3. The nearest library is the Officer Geoffrey Redd Library at 5094 Poplar Ave, which is well outside the 1,500-foot restriction. Because this library is so far outside of the 1,500-foot restriction, it is not included on the Survey.
4. The nearest liquor stores are Liquor and Wine Depot at 756 Mount Moriah and D's Wine & Spirits at 5475 Poplar Avenue, which are both well outside the 1,500-foot

restriction. Because these liquor stores are so far outside of the 1,500-foot restriction, they are not included on the Survey.

Additionally, the Site is not situated within 200-feet of any residential properties in the R-15, R-10, R-8, R-6, RU-1 and RU-2 zoning districts. With regards to compliance of The Station with the City's Unified Development Code, the Shopping Center (and thus, the Site) is zoned CMU-1, a zone for which permitted uses include "Retail Sales and Services." Subsection 2.9.4H of the Uniform Zoning Code lists a "store selling . . . goods including . . . alcohol" as a permitted "Retail Sales and Services" use.

When a statute is without contradiction or ambiguity, courts (and here, the City Council) are not at liberty to depart from the words of the statute; if the language contained within the four corners of a statute is plain, clear, and unambiguous, the duty of the courts (and the City Council) is to obey it. *Lucchesi v. Alcohol and Licensing Com'n of City of Memphis*, 70 S.W.3d 49 (Tenn. Ct. App. 2001).

As Commissioner Frey aptly stated during the January 7, 2025 meeting, "[t]he measurement method is not [immutable]." Just because the Site may be immutable in that its physical location does not change, the measurement methodology *can* change. Here, the MAC correctly applied the unambiguous language of Memphis City Code § 4-5 and agreed with Grind Management that the Site was located 1,559.37 feet away from the nearest church and school, based on measurement commencing at the center point of the private passageway directly opposite the door of The Station and continuing along the private passageway out of the only curb cut available to the public. The City Council has no reason to disturb the MAC's proper application of Memphis City Code § 4-5 to Grind Management.

IV. THERE IS NO ARTICULATED STANDARD OF REVIEW.

The City Council has not informed the Parties of the applicable standard of review for this Appeal, nor is the standard of review codified or otherwise memorialized anywhere. Nevertheless, Grind Management addresses the issue because, regardless of which standard the City Council elects to apply, the result is the same: Buster's challenge fails because the controlling ordinance is unambiguous and the 2025 survey confirms compliance.

The MAC first considered Grind Management's 2025 Application on December 17, 2025. To ensure that the MAC itself and those opposing the application had sufficient time to review the 2025 Application, the MAC postponed any action on the 2025 Application until January 7, 2026.

On January 7, 2026, the MAC again considered Grind Management's 2025 Application. Before ultimately voting in favor of recommending to the Mayor the issuance of a COC, the MAC heard extensive arguments from counsel for the Appellants and counsel for Grind Management. The MAC heard testimony from Grind Management's landlord, Belz, and Belz's attorney. The MAC heard testimony from Grind Management's witness, Greg Marcom, who is the engineer who prepared the 2025 survey. The City GIS Analyst who prepared the "engineering statement" upon which the Appellants so adamantly relied was not present because, according to Mr. Roane Waring, "[t]he City did not want to involve the City's engineer." The MAC considered certain records presented by the Appellants' counsel, namely "historical documents" that counsel alleged were important for the MAC to consider. The "historical documents" specifically referenced during counsel's argument include the City GIS Analyst's "engineering statement"; Chancery Court Order on Expedited Hearing on Cross-Petition of Memphis City Council for Declaratory Judgment; September 5, 2024 emails from Pickering Engineering; prior Reaves Firm surveys of other liquor stores; Buster's survey for its 5851 Poplar Ave store; and a copy of the Tennessee

Supreme Court case, *Reagor v. Dyer County*. Taking all of that into consideration, the MAC made the reasoned decision to recommend that the Mayor issue a COC to Grind Management.

The most deferential standard the City Council could apply is the ***arbitrary or capricious*** standard. Under this framework, the City Council would ask only whether the MAC's decision lacked any rational basis or was made without regard to the facts or applicable law. *See, e.g., Pittman v. City of Memphis*, 360 S.W.3d 382, 389 ("A decision is arbitrary or capricious if it is not based on any course of reasoning or exercise of judgment, or . . . disregards the facts or circumstances of the case without some basis that would lead a reasonable person to reach the same conclusion." (internal citations and quotations omitted)). The MAC's decision here was the product of careful deliberation. The MAC heard from both sides over the course of two hearings, considered all documentary evidence submitted by the Appellants, received sworn testimony from a surveyor with approximately forty years of experience, and engaged in extensive questioning of both Grind Management and the Appellants, and their respective representatives and counsel, before voting. The MAC thoughtfully evaluated the measurement methodology set forth in Memphis City Code § 4-5 and determined that Grind Management was in compliance. This decision is the very opposite of arbitrary or capricious.

A closely related standard is ***abuse of discretion***, under which the City Council would reverse the MAC only if it applied an incorrect legal standard or reached a decision which was against logic and reasoning. *See e.g., DeLong v. Vanderbilt University*, 186 S.W.3d 506, 511 (Tenn. Ct. App. 2005). Again, the MAC thoughtfully evaluated the measurement methodology set forth in Memphis City Code § 4-5 and determined that Grind Management was in compliance and thus recommended that the Mayor issue a COC. This decision was squarely within logic and

reasoning. The Appellants may disagree with the MAC's decision, but the MAC's decision was well within the bounds of reasonable discretion.

The City Council could also apply a *substantial evidence* standard, asking whether the MAC's decision was supported by substantial evidence in the record. Substantial evidence is "such relevant evidence as a reasonable mind might accept as adequate to support a conclusion." The record here is replete with such evidence: (i) Memphis City Code § 4-5; (2) Grind Management's 2025 Application; (3) the 2025 Survey; (4) Glankler Brown Opinion Letter; (5) testimony from counsel for Grind Management; (6) testimony from Belz and counsel; and (7) testimony from Mr. Marcom. The MAC's decision was wholly supported by substantial evidence.

Finally, the most searching standard available would be *de novo review*, under which the City Council would evaluate the matter fresh, giving no deference to the MAC's findings. Even under this standard, Grind Management prevails. The evidence establishes that the Site is situated in a multi-establishment commercial area of at least two acres in size, thus triggering the Memphis City Code § 4-5 private drive measurement methodology. Under that methodology, the distance from Grind Management's door to the nearest protected location is 1,559.37 feet. The plain language of the Ordinance speaks for itself and, on de novo review, must be applied as written.

No standard of review, however rigorous, produces a different outcome on these facts. As thoroughly deliberated by the MAC, the controlling ordinance is unambiguous and the 2025 survey confirms compliance. The City Council has no basis to reverse the MAC's decision.

V. THE CITY COUNCIL DOES NOT HAVE JURISDICTION AND THE APPELLANTS DO NOT HAVE STANDING.

As a threshold matter, this City Council lacks jurisdiction to hear the Appellants' challenge because the Appellants lack standing to bring it. Standing is not a mere technicality; it is a fundamental prerequisite to invoking any adjudicative body's authority. The Appellants are market

competitors, nothing more and nothing less. They are not aggrieved parties with a legally cognizable interest in the MAC's decision to recommend issuance of Grind Management's COC. Without standing, there is no appeal; and without an appeal, this City Council has no jurisdiction to act. The inquiry should end there.²

A. **The City Council does not have jurisdiction to hear an appeal of the MAC's recommendation to issue a COC.**

Memphis City Code § 4-5 governs the procedure by which an applicant requests a COC, as part of the statutory licensure process for opening a liquor store. The ordinance provides that the MAC's recommendation is subject to appeal and approval by the City Council *solely* with respect to applications for relocation of liquor stores where the relocation is necessary as a direct result of governmental action. See Memphis City Code § 7-4-5(b), (c). There is no provision for appealing the issuance or denial of a COC to the City Council.

Appeals of *denials* of a COC are governed solely by Tenn. Code Ann. § 57-3-208(d), which the Tennessee Court of Appeals has construed as follows:

By its terms, T.C.A. § 57-3-208(d) provides only one forum for the review of a municipality's denial of a certificate of compliance, the chancery court having jurisdiction over the denying municipality. While use of the word "may" within the statute certainly connotes a degree of discretion, we are convinced that this discretion refers to the applicant's decision to seek review of the municipality's denial of the certificate, and not discretion as to the forum in which the applicant seeks review.

² City Council attorney Mr. Allan Wade expressly opined, "It is my opinion that the Council does not have jurisdiction to hear such an appeal" of the MAC's "refusal to recommend to the Mayor the approval" of a COC and moral character. (See Letter, attached hereto as Exhibit A). Moreover, at the April 8, 2025 City Council meeting, Council members and Mr. Wade expressly disclaimed any adjudicatory role over alcohol licensing disputes, confirming that such matters lie outside the City Council's jurisdiction. The City Council acknowledged that appeals of MAC decisions must be brought in Chancery Court, that it was "not dealing with a specific case," and that it has "no control" over MAC determinations. Mr. Wade further confirmed that any dispute regarding compliance with the 1,500-foot rule "will be decided by a court." This record establishes that the City Council lacks jurisdiction to adjudicate such disputes, undermining any claim that a competitor such as the Appellants have standing to seek relief before this body.

Johnson d/b/a Lazy Jim's Liquors v. Alcoholic Beverage Commission, 844 S.W.2d 182 (Tenn. Ct. App. 1992).

Accepting an appeal from the Appellants—none of whom are parties to the 2025 Application, despite being given a robust and unprecedented opportunity to speak in opposition on December 17, 2025 and January 7, 2026,—when Grind Management itself, as applicant, would not have the right to appeal a hypothetical denial, would violate Grind Management's constitutional right to equal protection. The City Council does not have jurisdiction to hear this purported appeal.

B. The UAPA does not apply, and even if it did, the Appellants have no standing.

The Appellants may argue that the hearing is governed by the Uniform Administrative Procedures Act (“UAPA”). It is not. Under Tenn. Code Ann. § 4-5-106, the UAPA “shall not apply to”, among other groups, “county and municipal boards, commissions, committees, departments or officers.” The MAC is a municipal commission created by Memphis City Code § 2-82-1. The UAPA's contested case provisions, including sections 4-5-320 (licenses), 4-5-310 (intervention), and 4-5-322 (judicial review), therefore do not apply.

Even if the UAPA applied, the Appellants' challenge would fail for three reasons. First, the grant of a retail liquor license is not a “contested case.” The UAPA defines a contested case as one involving “the granting or denial of licenses, permits or franchises where the licensing board is not required to grant the licenses, permits or franchises upon the payment of a fee or the finding of certain clearly defined criteria.” Tenn. Code Ann. § 4-5-102(3). The TABC grants retail package store licenses upon clearly defined criteria, and Tennessee courts have long recognized that retail liquor licensing is ministerial in nature. *See Howard v. Willocks*, 525 S.W.2d 132 (Tenn. 1975); *Pantry Inc. v. City of Pigeon Forge*, 681 S.W.2d 23 (Tenn. 1984); *Fritts v. Wallace*, 723 S.W.2d

948 (Tenn. 1987); *see also Kardoush, LLC v. City of Memphis Alcohol Commission*, No. W2005-00104-COA-R3-CV, 2005 WL 3017602, at *3 (Tenn. Ct. App. Nov. 9, 2005) (“When a statute uses the word “shall,” it is generally construed as being mandatory as opposed to discretionary.”). Moreover, the licensing scheme under sections 57-3-204 and 57-3-208 of the Tennessee Code does not require notice and a hearing before the TABC grants a license, confirming that contested case procedures are inapplicable. *See also* Tenn. Code Ann. § 4-5-320(a) (“When the grant, denial, or renewal of a license is required to be preceded by notice and opportunity for hearing, the provisions of this chapter concerning contested cases apply.”).

Second, the Appellants are not “parties” as defined by the UAPA. The statute limits party status to persons “named or admitted as a party, or properly seeking and entitled as of right to be admitted as a party.” *See* Tenn. Code Ann. § 4-5-102(8). A competing liquor store that objects to another store’s license application is not a party to that proceeding by right. The Appellants are not the applicant, were not named as a party, and have no statutory entitlement to “party status” in Grind Management’s licensing proceeding. Their participation at the MAC meetings was as members of the public speaking in opposition—nothing more and nothing less. Nor could they intervene: the UAPA’s intervention provision requires that a petitioner’s “legal rights, duties, privileges, immunities or other legal interest may be determined in the proceeding,” Tenn. Code Ann. § 4-5-310(a)(2), and courts have held that intervention in administrative proceedings is discretionary, not a matter of right. *See Wood v. Metropolitan Nashville & Davidson Cty Govt.*, 196 S.W.3d 152, 159 (Tenn. Ct. App. 2005) (citation omitted). To Grind Management’s knowledge, no Tennessee case recognizes a competitor’s economic interest in avoiding lawful competition as a cognizable “legal interest” under the statute.

Third, the Appellants do not qualify as “persons aggrieved” entitled to judicial review under Tenn. Code Ann. § 4-5-322(a)(1). That standard requires a “special interest” in the decision or a “special injury not common to the public generally,” *Buford v. State Bd. of Elections*, 334 S.W.2d 726, 728 (Tenn. 1960), as well as a showing that the party was a participant in the proceedings sought to be reviewed. *City of Brentwood v. Metro. Bd. of Zoning Appeals*, 149 S.W.3d 49, 57 (Tenn. Ct. App. 2004). The Appellants satisfy neither requirement.

C. The Appellants lack standing under Tennessee law.

Regardless of the UAPA, the Appellants cannot establish standing under Tennessee’s well-developed standing doctrine. Tennessee courts require that a party seeking review, or a “person aggrieved,” demonstrate a “distinct and palpable injury” within the zone of interests the statute is designed to protect. *See Brentwood*, 149 S.W.3d at 57–58. The Tennessee Supreme Court clarified in *Terry Case v. Wilmington Trust*, 703 S.W.3d 274 (Tenn. 2024), that the injury may be an “injury in fact” or an “injury in law”—a violation of legal rights or a violation of law that has an adverse effect on that party. *Id.* at 287 (citations omitted). Under the injury-in-fact test:

First, a party must show an injury that is distinct and palpable; injuries that are conjectural, hypothetical, or predicated upon an interest that a litigant shares in common with the general citizenry are insufficient in this regard. Second, a party must demonstrate a causal connection between the alleged injury and the challenged conduct. While the causation element is not onerous, it does require a showing that the injury to the plaintiff is fairly traceable to the conduct of the adverse party. The third and final element is that the injury must be capable of being redressed by a favorable decision of the court.

City of Memphis v. Hargett, 414 S.W.3d 88, 98 (Tenn. 2013) (internal quotation marks and citations omitted).

The Appellants cannot satisfy this standard. Their interests fall outside of the “zone of interests” that Memphis’s liquor store location restrictions were enabled to protect. *See Hargett*, 414 S.W.3d at 98; *Brentwood*, 149 S.W.3d at 57–58. Section 7-4-5 of the Memphis City Code

expressly identifies the protected entities: churches, schools, parks, libraries, and residential areas. The ordinance establishes distance buffers to protect the community surrounding these institutions.

Buster’s *et al* are not one of these protected entities nor are they “aggrieved party.”

While the ordinance also includes a 1,500-foot distance requirement between liquor stores, that provision exists to prevent the concentration of liquor outlets in a manner that would affect public health, safety, and morals, not to shield the economic interests of existing store owners outside the 1,500-foot zone. As the *Brentwood* court recognized, the standing inquiry requires that the plaintiff’s “asserted interests are among those that the decision maker was required to consider.” 149 S.W.3d at 58. A competitor’s economic interest in preventing market entry is not among the interests the MAC is charged with protecting. And, none of the Appellants are within the 1,500-feet of The Station.

The U.S. Supreme Court’s decision in *Tennessee Wine & Spirits Retailers Ass’n v. Thomas*, 588 U.S. 504 (2019), reinforces this conclusion. In *Thomas*, the Court’s majority struck down Tennessee’s durational-residency requirement for retail liquor licenses, finding that the “predominant effect” of the regulation was “simply to protect the [trade] Association’s members from out-of-state competition.” *Id.* at 536. The Court held that the states’ power to regulate alcohol “is not a license to impose all manner of protectionist restrictions on commerce in alcoholic beverages.” *Id.* at 521. While *Thomas* addressed a constitutional question rather than standing, its reasoning confirms that Tennessee’s alcohol regulatory framework is grounded in public health, safety, and morals, not competitor protection. Permitting a competitor to appeal the grant of a license to a qualified applicant would enable precisely the kind of protectionist mechanism that *Thomas* condemned.

D. The Memphis City Code does not allow third parties to appeal.

The only Memphis Municipal Code provision governing appeals from the MAC is Section 4-12 of the 1985 Memphis City Code (commonly referred to as section 7-1-13), which states in full: “Notice of appeals from the action of the alcohol commission to the city council shall be filed in writing with the comptroller no later than ten days after the final decision of the alcohol commission. Otherwise, such decision shall be deemed and considered to be final.” Memphis Code of Ordinances § 7-4-13.

The provision is procedural, outlining only the notice and timing requirements of an appeal. The provision does not address *who* may file an appeal. Giving each word its plain and ordinary meaning, the provision cannot be read to create right for business competitors to challenge any and all Commission decisions. Tennessee Code Annotated § 57-5-108 provides that the exclusive method of review of an agency’s refusal to grant this type of license is by way of the statutory writ of certiorari. Tenn. Code Ann. § 57-5-108(d), (f).

E. The Tennessee Code limits appeals to applicants and only in the event of a denial.

Under the Tennessee Code, only the applicant may challenge a liquor license decision, and only when the decision is a denial, rather than a grant, of a certificate. Tennessee Code Annotated § 57-3-208(d) states: “An *applicant* may seek review of the denial of a certificate by instituting an action in the chancery court having jurisdiction over the municipality or county within sixty (60) days of the *denial*.” Tenn. Code Ann. § 57-3-208(d) (emphasis added).

The language unambiguously limits standing to the “applicant” and limits the reviewable event to a “denial.” The Code provides no mechanism for anyone to challenge the *granting* of a COC. This interpretation is reinforced by section 57-3-208(e), which provides that a commission’s failure to act on an application within sixty days “shall be deemed a granting of the certificate.”

See Kardoush, 2005 WL 3017602, at *3. The entire statutory framework addresses the issuance of certificates to qualified applicants and creates no mechanism for competitor challenges.

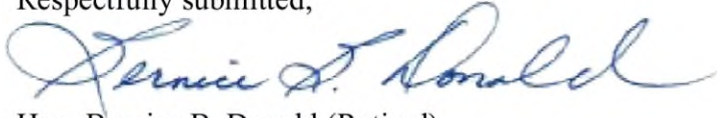
The City Council does not have jurisdiction to hear this purported appeal. The Appellants lack standing to appeal the MAC's decision. Neither the Memphis City Code nor the Tennessee Code allows a business competitor to appeal the MAC's decision to recommend the issuance of a COC to a qualified applicant. Under Tennessee's well-establishing standing doctrine, the Appellants cannot demonstrate a distinct and palpable injury within the zone of interests protected by the regulatory scheme.

VI. THE CITY COUNCIL SHOULD DENY AND DISMISS THIS APPEAL.

Grind Management is in compliance with the Memphis City Code. The Site satisfies every distance restriction set forth in Memphis City Code § 4-5. It is located 1,559.37 feet from the nearest church and school, as confirmed by the 2025 Survey which applies the correct measurement methodology under § 4-5's plain language. The Site satisfies the 500-foot requirement in all directions. It is not within 200 feet of any residential-zoned property. It is situated in a properly zoned commercial district that expressly permits retail alcohol sales.

Every governmental body that has considered Grind Management's 2025 Application on the merits has reached the same conclusion: Grind Management is in compliance. The MAC approved the 2025 Application; Mayor Young issued the COC; and the TABC granted the license. Grind Management is open, operating, and serving the Memphis community in full accordance with the law. The Appellants have offered no new evidence, no valid legal theory, and no cognizable injury. They have offered only the desire to eliminate a competitor. That is not a basis for relief. Grind Management respectfully requests that the City Council deny the Appellants' challenge in its entirety and affirm the MAC's decision.

Respectfully submitted,

A handwritten signature in blue ink, reading "Bernice B. Donald". The signature is fluid and cursive, with the first name "Bernice" being more prominent than the last name "Donald".

Hon. Bernice B. Donald (Retired)
Lead Appellate Counsel for Grind Management

Cc: Attorney Robert Spence, counsel for the Appellants
Attorney Allan Wade, counsel for the Memphis City Council
Attorney Brianna Owens, assistant counsel for the Memphis City Council
Brooke Hyman, Chief Administrative Officer
Attorney Mark Jobe, co-counsel for Grind Management
Attorney Annabelle Harris, co-counsel for Grind Management
Attorney Roane Waring, counsel for the Memphis Alcohol Commission

LAW OFFICES
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119 South Main, Suite 700
Memphis, Tennessee 38103
Telephone (901) 322-8005
Facsimile (901) 322-8007

Allan J. Wade
Lori H. Patterson
Brandy S. Parrish

October 19, 2004

Joe Brown
Chairman
Memphis City Council
125 N. Main, Room 514
Memphis, TN 38103

Re: Opinion Request

Dear Chairman Brown:

You have requested my opinion regarding the jurisdiction of the Memphis City Council to hear an appeal from the refusal of the Alcohol Commission to recommend to the Mayor the approval of a certificate of compliance and moral character. ~~It is my opinion that the Council does not have jurisdiction to hear such an appeal.~~

~~The sale of alcohol (except beer) is licensed by the state. In order to receive a liquor license from the state Alcohol Beverage Commission, a liquor store owner must, among other things, show that he is of good moral character and that his business and business location comply with all applicable local requirements. In Memphis, a liquor store owner would apply for a certificate of compliance, which is approved and signed by the Mayor, upon recommendation of the Alcohol Commission. Our ordinance provides that the recommendation of the Alcohol Commission is subject to appeal and approval by the City Council solely with respect to applications for relocation of liquor stores, where the relocation is necessary as a direct result of governmental action. See City Code §4-5(b) and (c).~~

The appeal in this case is governed by §57-3-208(d), Tenn. Code Ann., which has been construed by the Tennessee Court of Appeals for the Western Section as follows:

"By its terms, T.C.A. §57-3-208(d) provides only one forum for the review of a municipality's denial of a certificate of compliance, the chancery court having jurisdiction over the denying municipality. While use of the word "may" within the statute certainly connotes a degree of discretion, we are convinced that this discretion refers to the applicant's decision to seek review of the municipality's denial of the certificate, and not discretion as to the forum in which the applicant seeks review."

See Johnson d/b/a Lazy Jim's Liquors v. Alcoholic Beverage Commission, 844 S.W.2d 182 (Tenn. App. 1992).

**LAW OFFICES
ALLAN J. WADE, PLLC**

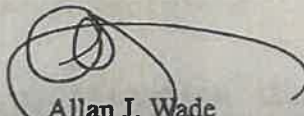
- 2 -

October 19, 2004

The City Attorney's office has on at least two (2) occasions opined that the Council lacked jurisdiction to hear beer appeals, but has never been requested to opine as to liquor appeals. It is my opinion that the statutory scheme for the regulation of alcohol sales, whether liquor or beer, allows for local involvement, with more state approval of liquor sales with appellate authority being vested in the Courts.

I believe this opinion and the opinions of the City Attorney are consistent with the regulatory scheme prescribed by the General Assembly.

Very truly yours,


Allan J. Wade

Cc: Council Members
Sara Hall

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

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 08/04/2026

DATE

PUBLIC SESSION: 08/18/2026

DATE

ITEM (CHECK ONE)

X ORDINANCE _____ RESOLUTION X REQUEST FOR PUBLIC HEARING

ITEM CAPTION: Joint ordinance to amend the Memphis and Shelby County Unified Development Code adopted by the City of Memphis on August 10, 2010, and by Shelby County on August 9, 2010, to establish a procedure for replacing the zoning map, being ZTA 2026-002

CASE NUMBER: ZTA 2026-002

LOCATION: Memphis and unincorporated Shelby County

COUNCIL DISTRICTS: All council districts

OWNER/APPLICANT: Division of Planning and Development

REPRESENTATIVES: Brett Ragsdale, Director

REQUEST: Adopt the recommended amendment to the Unified Development Code

RECOMMENDATION: The Division of Planning and Development recommended *Approval*
The Land Use Control Board recommended *Approval*

RECOMMENDED COUNCIL ACTION: **Public Hearing Required**
Set date for first reading – July 21, 2026
Second reading – August 4, 2026
Third reading – August 18, 2026

PRIOR ACTION ON ITEM:

(1) _____	APPROVAL - (1) APPROVED (2) DENIED
<u>07/09/2026</u>	DATE
(1) Land Use Control Board	ORGANIZATION - (1) BOARD / COMMISSION (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

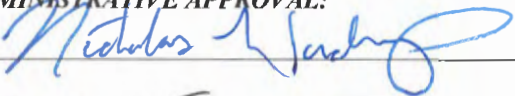
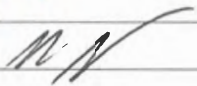
FUNDING:

(2) _____	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:

	<u>DATE</u>	<u>POSITION</u>
	<u>7-10-26</u>	PLANNER II
_____	_____	DEPUTY ADMINISTRATOR
	<u>7/10/26</u>	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY

CHIEF ADMINISTRATIVE OFFICER

COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

ZTA 2026-002

JOINT ORDINANCE TO AMEND THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE ADOPTED BY THE CITY OF MEMPHIS ON AUGUST 10, 2010, AND BY SHELBY COUNTY ON AUGUST 9, 2010, TO ESTABLISH A PROCEDURE FOR REPLACING THE ZONING MAP, BEING ZTA 2026-002.

- This amendment will create the process by which the zoning map may be repealed and replaced in its entirety.
- Memphis City Council passed a resolution on August 22, 2023, directing the Division of Planning and Development (DPD) to proceed with public engagement and develop recommendations for the zoning map. DPD has since conducted nearly three years of public engagement and is currently working to finalize these recommendations.
- This amendment will require DPD to mail public notice to the owners of all properties in Memphis and unincorporated Shelby County prior to the Land Use Control Board public hearing for a map replacement. The amendment also regulates the content of said public notice.
- The Memphis and Shelby County Land Use Control Board considered the amendment at its July 9, 2026, meeting and voted unanimously to recommend ***approval***.
- The Division of Planning and Development recommends ***approval***.
- This joint ordinance also requires approval by the Shelby County Board of Commissioners.
- No expenditure of funds/budget amendments are required by this item.

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday, July 9, 2026**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER:	ZTA 2026-002
LOCATION:	Memphis and unincorporated Shelby County
COUNCIL DISTRICT(S):	All Council Districts
OWNER/APPLICANT:	Division of Planning and Development
REPRESENTATIVE:	Brett Ragsdale, Director
REQUEST:	Adopt the recommended amendment to the Unified Development Code

The following spoke in support: None

The following spoke in opposition: None

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

The motion passed by a unanimous vote of 7-0 on the regular agenda.

Respectfully,



Nicholas Wardroup, AICP
Planner II
Land Use and Development Services
Division of Planning and Development

Cc: Committee Members
File

ORDINANCE NO: _____

JOINT ORDINANCE TO AMEND THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE ADOPTED BY THE CITY OF MEMPHIS ON AUGUST 10, 2010, AND BY SHELBY COUNTY ON AUGUST 9, 2010, TO ESTABLISH A PROCEDURE FOR REPLACING THE ZONING MAP, BEING ZTA 2026-002.

WHEREAS, a proposed amendment to the Memphis and Shelby County Unified Development Code, being Ordinance No. 5367 of the Code of Ordinances, City of Memphis, Tennessee, as amended, has been submitted to the Memphis and Shelby County Land Use Control Board for its recommendation, designated as **Case Number: ZTA 2026-002**; and

WHEREAS, The Board of County Commissioners and Memphis City Council concur that the Division of Planning & Development should, from its experience in administering the Unified Development Code, periodically suggest amendments to the same to make it a more practical code benefiting the needs of the public; and

WHEREAS, The City Council of the City of Memphis did by resolution charge the Division of Planning and Development with replacing the existing Unified Development Code and zoning map which has not been done in more than seventy years; further, that members of the Board of Commissioners are aware of this charge and have been kept apprised of its progress in its Land Use Committee meetings, with plans to make the same charge for the unincorporated county; and

WHEREAS, The current Unified Development Code addresses and provides a procedure for a text amendment including complete replacement, § 9.4; and for individual re-zonings, § 9.5; and for comprehensive rezoning of specific “areas designated as planning districts or planning areas, or other areas for which a plan has been approved or adopted,” § 9.5.12.B; but lacks a provision and procedure for a complete repeal and replacement of the zoning map as contemplated in state law; and

WHEREAS, The Memphis and Shelby County Land Use Control Board heard this matter on July 9, 2026, and has submitted its recommendation to this body;

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

WHEREAS, the provisions of the Code of Ordinances, City of Memphis, Tennessee, as amended, relating to the proposed amendment, have been complied with.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS AND BY THE BOARD OF COMMISSIONERS OF SHELBY COUNTY that Joint Ordinance Nos. 5367 and 397, are hereby amended as follows:

SECTION 1, CASE NO. ZTA 2026-002. That the various sections of the Unified Development Code be hereby amended as reflected in Exhibit A, attached hereto.

SECTION 2. That the various sections, words, and clauses of this Joint Ordinance are severable,

and any part declared or found unlawful may be elided without affecting the lawfulness of the remaining portions.

SECTION 3. That this Joint Ordinance shall take effect from and after the date it shall have been enacted according to due process of law, and thereafter shall be treated as in full force and effect in the jurisdictions subject to the above-mentioned Ordinance by virtue of the concurring and separate passage thereof by the Shelby County Board of Commissioners and the Council of the City of Memphis.

ATTEST:

**CC: Division of Planning and Development
– Land Use and Development Services
– Office of Construction Enforcement
Shelby County Assessor**

EXHIBIT A: Markup of Current Unified Development Code

Additions to the Code, as presently written, are indicated in red underline. Deleted language is indicated by ~~blue strikethrough~~. Explanatory notes not part of the Code text are *highlighted and italicized*.

Article 9. Administration

9.1 REVIEW BODIES

9.1.1 Governing Bodies

A. General Authority

The governing bodies may exercise additional powers as may be described elsewhere in this development code and as permitted by the City or County Code of Ordinances.

B. Final Authority

With respect to this development code, the governing bodies are responsible for final action regarding:

1. Text amendments;
2. Zoning changes;
3. Comprehensive rezonings;
- ~~3.4.~~ Replacements of the zoning map;
- ~~4.5.~~ Special uses and special use amendments;
- ~~5.6.~~ Planned development outline plan and amendments;
- ~~6.7.~~ Planned development public contracts;
- ~~7.8.~~ Final plat public contracts;
- ~~8.9.~~ Right-of-way vacation;
- ~~9.10.~~ Right-of-way dedication; and
- ~~10.11.~~ Historic district designation.

9.1.2 Land Use Control Board

A. Establishment

The Land Use Control Board is established pursuant to Joint Ordinance-Resolution No. 2524 (Memphis City Code § 2-50).

B. General Authority

1. The Land Use Control Board performs related duties as directed by the governing bodies.
2. The Land Use Control Board may exercise additional powers as may be described elsewhere in this development code and as permitted by the City or County Code of Ordinances.

C. Review Authority

With respect to this development code, the Land Use Control Board reviews and makes recommendations regarding:

1. Text amendments;
2. Zoning changes;
3. Comprehensive rezonings;
- ~~3.4.~~ Replacements of the zoning map;
- ~~4.5.~~ Special uses and special use amendments;
- ~~5.6.~~ Planned development outline plan and amendments;
6. Street Name Change;
7. Right-of-way vacation;
8. Right-of-way dedication; and
9. Historic district designation.

D. Final Authority

With respect to this development code, the Land Use Control Board shall be responsible for final action (subject to appeal) regarding:

1. Planned development major modifications;

2. Special use major modifications;
3. Major preliminary plans;
4. Resubdivision;
5. Plat of record vacation; and
6. Special exceptions.

9.2.3 Board of Adjustment

A. Establishment

The Board of Adjustment is established pursuant to Joint Ordinance-Resolution No. 722 Memphis City Code § 2-48).

B. General Authority

1. The Board of Adjustment performs related duties as directed by the governing bodies.
2. The Board of Adjustment may exercise additional powers as may be described elsewhere in this development code and as permitted by the City or County Code of Ordinances.

C. Final Authority

With respect to this development code, the Board of Adjustment is responsible for final action regarding:

1. Variances;
2. Appeals from Administrative decisions
3. Interpretation of zoning district boundaries.
4. Change in nonconforming use permit; and
5. Conditional Use Permits.

9.2.4 Landmarks Commission

A. Defined

The Memphis Landmarks Commission is identified as having the authority to enforce certain provisions of this development code.

B. Establishment

The Landmarks Commission serves as a historic zoning commission pursuant to Tennessee Code 13-7-403 for the City of Memphis (see Memphis City Code § 14-24-5).

C. General Authority

The Landmarks Commission conducts and encourages research, planning and educational projects for the purpose of protecting historic districts and documenting the historic significance thereof, including the following:

1. Recommend to the governing bodies designated sites and districts for loans and grants under the City Landmark Fund and subject to approval by the governing bodies; make application for and administer grants for the purpose of preserving and restoring structures and sites located within a Historic Overlay District.
2. Initiate or assist in surveys, plans and studies and programs designed to identify, list and evaluate structures, objects, sites and areas worth of preservation and develop strategies and methods for their protection.
3. Consult with and consider the recommendations of civic groups, public agencies and citizens interested in historic preservation and provide information to the public.
4. Research historic properties and apply for designation to the National Register of Historic Places and establish a list of properties eligible for designation as a Historic Overlay District.

D. Review Authority

With respect to this development code, the Landmarks Commission reviews and make recommendations regarding rezoning to a Historic district designation.

E. Final Authority

With respect to this development code, the Landmarks Commission is responsible for final action regarding applications for a Certificate of Appropriateness.

9.2.5 Downtown Memphis Commission Design Review Board

A. Establishment

The Downtown Memphis Commission Design Review Board is established pursuant to Memphis City Code § 12-44.

B. General Authority

1. The Downtown Memphis Commission Design Review Board performs related duties as directed by the City Council.
2. The Downtown Memphis Commission Design Review Board may exercise additional powers as may be described elsewhere in this development code and as permitted by the City Code of Ordinances.

C. Final Authority

With respect to this development code, the Downtown Memphis Commission Design Review Board is responsible for reviewing applications and issuing permits with respect to the design of public building façades and exteriors in public view, signs and other public improvements within the Central Business Improvement District.

9.2.6 Zoning Administrator

The Zoning Administrator may designate any staff member to represent the Zoning Administrator in any function assigned by this development code. The Zoning Administrator remains responsible for any final action.

A. General Authority

1. The Zoning Administrator performs related duties as directed by the governing bodies.
2. The Zoning Administrator may exercise additional powers as may be described elsewhere in this development code and as permitted by the City or County Code of Ordinances.

B. Review Authority

With respect to this development code, the Zoning Administrator reviews and makes recommendations regarding:

1. Text amendments;
2. Zoning changes;
3. Comprehensive rezonings;
4. Replacements of the zoning map;
5. Special uses, special use amendments and major modifications;
6. Planned development outline plan and amendments;
7. Planned development major modifications;
8. Major preliminary plans review;
9. Resubdivision;
10. Right-of-way vacation;
11. Right-of-way dedication;
12. Street name change;
13. Plat of record vacation;
14. Special exceptions
15. Historic district designation;
16. Certificates of appropriateness; and
17. Variances.

C. Final Authority

With respect to this development code, the Zoning Administrator is responsible for final action (subject to appeal) regarding:

1. Special use minor modifications;
2. Planned development minor modifications;
3. Planned development final plats;
4. Minor preliminary plans;
5. Final plats;
6. Administrative site plans;

7. Tree removal;
8. Final plat; Demolition by neglect;
9. Administrative deviations; and
10. Written interpretations.

9.2.7 Building Official

A. Delegation of Authority

The Building Official may designate any staff member to represent the Building Official in any function assigned by this development code. The Building Official remains responsible for any final action.

B. General Authority

1. The Building Official performs related duties as directed by the governing bodies.
2. The Building Official may exercise additional powers as may be described elsewhere in this development code and as permitted by the City or County Code of Ordinances.

C. Final Authority

With respect to this development code, the Building Official is responsible for final action (subject to appeal) regarding the following:

1. Temporary use review;
2. Sign permit; and
3. Certificate of occupancy.

9.2.8 Technical Review Committee

The Technical Review Committee is comprised of City and County agencies and is established to provide technical assistance in the review of certain provisions of this development code as set forth below.

A. Composition

The Technical Review Committee shall consist of a representative from the following. The Zoning Administrator shall serve as chairman of the Technical Review Committee and shall be responsible for all final recommendations.

1. Division of Planning and Development – Land Use and Development Services.
2. Division of Planning and Development – Comprehensive Planning.
3. Division of Planning and Development – Construction Enforcement.
4. City Traffic Engineer.
5. City and County Public Works Divisions.
6. City and County Engineering Divisions.
7. City and County Fire Departments.
8. Shelby County Health Department.
9. Memphis Light, Gas, and Water Division.

B. Review Authority

1. With respect to this development code, the Technical Review Committee may review at the discretion of the Zoning Administrator the following:
 - a. Text amendments;
 - b. Special uses and special use revisions;
 - c. Planned development outline plan amendments;
 - d. Planned development major modifications;
 - e. Planned development minor modifications;
 - f. Planned development final plats;
 - g. Minor preliminary plans;
 - h. Right-of-way vacation;
 - i. Administrative site plans; and
 - j. Special exceptions.

2. With respect to this development code, the Technical Review Committee shall review the following:
 - a. Planned development outline plans;
 - b. Major preliminary plans;
 - c. Resubdivision;
 - d. Right-of-way dedication;
 - e. Street name change; and
 - f. Plat of record vacation.

9.2 SUMMARY OF REVIEW AUTHORITY

9.2.1 Governing Bodies

The City Council retains review and approval or appeal authority within the City limits of Memphis and the Board of Commissioners retains review and approval or appeal authority within unincorporated Shelby County.

9.2.2 Summary of Review Table

		Review, Recommendation, Decision and Approval							
		City or County Engineer	Building Official	Technical Review Committee	Zoning Administrator or	Board of Adjustment	Landmarks Commission	Land Use Control Board	Governing Bodies
	x-ref								
Text Amendment	9.4			Δ	RR			RR	D
Zoning Change	9.5				RR			RR	D
Comprehensive Rezoning	9.5.12				RR			RR	D
Replacement of the Zoning Map	9.5.13				RR			RR	D
Special Uses & Planned Developments:									
Special Uses & Special Use Amendments	9.6 & 9.6.12A			Δ	RR			RR	D*
Special Use Major Modification	9.6.12B			Δ	RR			D	A
Special Use Minor Modification	9.6.12C			Δ	D			A*	
P. D. Outline Plan & Amendments	9.6 & 9.6.11E (1)			R	RR			RR	D*
P. D. Major Modifications	9.6.11E (2)			Δ	RR			D	A
P. D. Minor Modifications	9.6.11E (3)			Δ	D			A*	
P. D. Final Plan	9.6			Δ	D			A*	
P. D. Public Contract	9.6	RR							D
Subdivision:									
Minor Preliminary Plan	9.7.6			Δ	D			A	
Major Preliminary Plan	9.7.7			R	RR			D	A
Resubdivision				R	RR			D	A
Final Plat without Standard Contract	9.7.8			Δ	D			A*	
Final Plat w/Standard Contract	9.7.8	RR							D
Right-of-Way Vacation	9.8			Δ	RR			RR	D
Right-of-Way Dedication	9.9			R	RR			RR	D
Street Name Change	9.10			R	RR			RR	D
Plat of Record Revocation	9.11			R	RR			D	A
Administrative Site Plan	9.12			Δ	D	A**			
Special District Administrative Review	9.13			Δ	D	A**			
Special Exception	9.14			Δ	RR			D	A
Historic District Designation	8.6				RR		RR	RR	D
Certificate of Appropriateness	8.6.3				RR		D		
Historic District (Demolition by Neglect)	8.6.4				D		A*		
Board of Adjustment					RR	D			
Administrative Decision		D	D		D	A**			
Change in Nonconforming Use Permit	10.2.5				RR	D			

D = Decision

D* = Decision but no public hearing unless a request for a hearing is properly filed by an individual who was either present at LUCB and made a vocal objection or who submitted written comments to DPD prior to LUCB.

R = Review

RR = Review & Recommendation

Δ = Review at Discretion of Zoning Administrator

A = Appeal

A* = Only the subject property owner or his or her representative may appeal decisions of the Zoning Administrator, Building Official or City or County Engineer.

A** = Only the subject property owner and those property owners within 1000 feet of the subject property, as measured from property line to property line, may appeal decisions of the Zoning Administrator, Building Official or City or County Engineer.

9.3 COMMON REVIEW PROCEDURES

9.3.1 Pre-Application Conference

- A. The pre-application conference is a meeting in which the Zoning Administrator discusses the procedures, standards and regulations required for approval in accordance with this development code with the applicant.
- B. A mandatory pre-application conference with the Zoning Administrator shall be required for the following:
 - 1. Zoning change;
 - 2. Special use permit;
 - 3. Planned development outline plan;
 - 4. Minor preliminary plan;
 - 5. Major preliminary plan;
 - 6. Right-of-way vacation;
 - 7. Right-of-way dedication;
 - 8. Plat of record;
 - 9. Plat revocation;
 - 10. Historic district designation; and
 - 11. Certificate of Appropriateness.
- C. A pre-application conference is optional for any application not listed in Sub-Section B above.

9.3.2 Neighborhood Notification and Meeting

- A. At least ten days, but not more than 120 days, prior to a hearing before the Land Use Control Board, the applicant shall host and/or attend a neighborhood meeting with representatives from neighborhoods adjacent to the development site which the hearing involves:
 - 1. Zoning change;
 - 2. Special use permit or amendment to a special use permit;
 - 3. Planned development outline plan or amendment to a planned development outline plan; and
 - 4. All subdivisions except minor subdivisions.
- B. Procedure
 - 1. Where applicable, the Division of Planning and Development shall mail notification of the neighborhood meeting prepared and provided by the applicant to the following individuals: 1) the officers of any neighborhood or business associations registered with the City of Memphis Office of Community Affairs whose boundaries include properties within 1,500 feet of the subject property; 2) all current residents of single-family and two-family dwellings within the notification area; 3) all property owners within the notification area, if different from the current residents; 4) the members of the Memphis City Council who represent the district and super-district in which the development is planned, or for areas in unincorporated Shelby County, the member of the Shelby County Board of Commissioners who represent the district in which the development is planned; and 5) all residents of multi-family dwellings within the notification area; to inform the community of the proposed development and solicit comments. If the applicant is unable to make notification to the multi-family dwellings, he or she shall provide notice to the Division of Planning and Development the reason and shall mail notification of the neighborhood meeting to the rental or management office of all multi-family dwellings within the notification area with a request that said rental or management office post the notification in a conspicuous location within a common area(s), including, but not limited to: entry doors, hallways, mailbox areas and laundry rooms.
 - 2. The neighborhood notification requirements shall be the same as the mailed public notice requirements in 9.3.4A. The notification shall identify the time and place of the neighborhood meeting, as well as a description and map of the project. The notification shall also include the public hearing date of when the application will be heard by the Land Use Control Board. The applicant shall contact the officer(s) of any neighborhood or business association registered with the City of Memphis Office of Community Affairs prior to determining a date for the neighborhood meeting.
 - 3. The notification shall be prepared by the applicant and presented to the Division of Planning and Development no later than two working days prior to the date set out in the mailing requirement provided in Paragraph 5 below. The notification shall be folded, sealed and placed in stamped envelopes when presented to the Division of Planning

and Development. The following items shall accompany the notification when presented to the Division of Planning and Development: a copy of the letter to be mailed to all parties, a copy of the address labels to whom notification will be mailed and a map of the notice area.

4. If practicable, the neighborhood meeting shall be held at a public building or place of worship within a one-mile radius of the subject property, or at the subject property itself.
 5. If the notification package is determined to be complete by the Zoning Administrator, the Division of Planning and Development shall mail the notification no later than 20 days prior to the hearing before the Land Use Control Board and no later than 10 days prior to the date of the neighborhood meeting. If the neighborhood notification package is determined to be incomplete by the Zoning Administrator, the application is subject to being considered incomplete and removed from the Land Use Control Board agenda.
 6. Neighborhood meetings are the sole responsibility of the applicant. Documentation of its proceedings shall also be provided to the Division of Planning and Development. The applicant may request neighborhood organizations' contact information, if available, from the Division of Planning and Development.
- C. The purpose of the neighborhood notification and meeting is to inform the neighborhood of the nature of the proposed land use and development features and solicit comments. Applicants shall reserve at least 15 minutes of the neighborhood meeting for community members, businesses and/or neighborhood associations wishing to make a presentation regarding the development.
- D. Any neighborhood or business association registered with the City of Memphis Office of Community Affairs whose boundaries include properties within 1,500 feet of the development area will have the opportunity to submit a Community Impact Statement (CIS). The purpose of the CIS is to provide community members a chance to give an opinion and any recommendation regarding the development project. The CIS shall not exceed 500 words. Neighborhood or business associations who intend to file a CIS must submit said statement to the Land Use Control Board or governing bodies prior to the scheduled hearing. If provided prior to the publishing of the Land Use Control Board staff report, the CIS shall be included within the staff report in a prominent position alongside the Division of Planning and Development recommendation. If provided after the publishing of the Land Use Control Board staff report, the CIS will be referenced during the Land Use Control Board public hearing and contained in the materials that are forwarded to the legislative body, where applicable.
- E. Exigent circumstances. A neighborhood meeting may be conducted through electronic or telephonic means if holding an in-person meeting is impractical due to an ongoing public health crisis or other similar situation that is out of the control of the applicant, provided all notice requirements of this section are met. In addition, a neighborhood meeting may be held after the Land Use Control Board votes on the matter but before the governing body does so in the event the Division of Planning and Development makes a determination that a zoning change is not in compliance with a Chapter 1.9 plan with the publishing of its Land Use Control Board staff report (see Paragraph 9.3.2A(1)). In such an event, all notice and timing requirements of this Section shall still apply, but will be timed in conjunction with date the governing body is expected to vote on the matter.

9.3.3 Application Requirements

A. Initiation of Request

A request for development approval may be initiated in accordance with the following. For the purpose of this Sub-Section, “body” shall mean either the Memphis City Council or the Shelby County Board of Commissioners; “board” shall mean the Land Use Control Board and “staff” shall mean the Chief Administrative Officer of either the City of Memphis or Shelby County, or the Zoning Administrator.

	Agent/ Owner/ Applicant	Body/ Board/ Staff
Text Amendment		■
Zoning Change	■	■
Comprehensive Rezoning		■*
<u>Replacement of the Zoning Map</u>		■*
Special Uses and Planned Developments:		
Special Uses & Special Use Amendments	■	
Special Use Minor Modifications	■	
Special Use Major Modifications	■	
P. D. Outline Plan & Amendments	■	
P. D. Minor Modifications	■	
P. D. Major Modifications	■	
P. D. Final Plan	■	
P. D. Public Contract	■	
Subdivision:		
Minor Preliminary Plan	■	
Major Preliminary Plan	■	
Resubdivision	■	
Final Plat	■	
Public Contract	■	
Right-of-Way Vacation	■	■
Right-of-Way Dedication	■	
Street Name Change	■	■
Plat of Record Revocation	■	■
Administrative Site Plan Review	■	
Special District Administrative Review	■	
Special Exception Review	■	
Temporary Use Review	■	
Tree Removal	■	
Sign Permit	■	
Certificate of Occupancy	■	
Historic District Designation	■	■
Certificate of Appropriateness	■	
Demolition by Neglect		■
Written Interpretations	■	
Administrative Deviation	■	
Variance and Conditional Use Permit	■	
Appeal of Administrative Decision	■	
Change in Nonconforming Use Permit	■	

*Only the body(s) may initiate a request for a comprehensive rezoning or replacement of the zoning map(see Sub-Sections 9.5.12A and 9.5.13A).

B. Submittals

Applications required under this development code shall be filed with the Division of Planning and Development in accordance with the following.

	Zoning Administrator	Building Official
Text Amendment	■	
Zoning Change	■	
Comprehensive Rezoning	■	
<u>Replacement of the Zoning Map</u>	■	
Special Uses and Planned Developments:		
Special Uses & Special Use Amendments	■	
Special Use Minor Modifications	■	
Special Use Major Modifications	■	
P. D. Outline Plan & Amendments	■	
P. D. Minor Modifications	■	
P. D. Major Modifications	■	
P. D. Final Plan	■	
P. D. Public Contract	■	
Subdivision:		
Minor Preliminary Plan	■	
Major Preliminary Plan	■	
Resubdivision	■	
Final Plat	■	
Public Contract	■	
Right-of-Way Vacation	■	
Right-of-Way Dedication	■	
Street Name Change	■	
Plat of Record Revocation	■	
Administrative Site Plan Review	■	
Special District Administrative Review	■	
Special Exception Review	■	
Temporary Use Review		■
Tree Removal	■	
Sign Permit	■	
Certificate of Occupancy		■
Historic District Designation	■	
Certificate of Appropriateness	■	
Demolition by Neglect	■	
Written Interpretations	■	
Administrative Deviation	■	
Variance and Conditional Use Permit	■	
Appeal of Administrative Decision	■	
Change in Nonconforming Use Permit	■	

C. Forms

Applications required under this development code must be submitted on forms and in such numbers as required by the Division of Planning and Development.

D. Fees

Filing fees have been established to defray the cost of processing the application, as listed with the Division of Planning and Development and adopted by the governing bodies. Before review of an application, all filing fees must be paid in full.

E. Completeness Determination

1. All applications must be complete before the Zoning Administrator/Building Official is required to review the application.
2. An application is considered complete when it contains all of the information necessary to decide whether or not the development as proposed will comply with all of the requirements of this development code.
3. The presumption is that all of the information required in the application forms is necessary to satisfy the requirements of this Article. However, it is recognized that each application is unique, and therefore more or less information may be required according to the needs of the particular case. The applicant may rely on the recommendations of the Zoning Administrator/Building Official as to whether more or less information shall be submitted.
4. Once the application has been determined complete, copies of the application shall be referred by the Zoning Administrator/Building Official to the reviewing entities.
5. The Zoning Administrator/Building Official may require an applicant to present evidence of authority to submit the application.

F. Application Deadline

Complete applications shall be submitted in accordance with the published calendar schedule. Schedules indicating submittal dates shall be developed each year and made available to the public.

G. Staff Consultation after Application Submitted

1. Upon receipt of a complete application, within 21 days after the filing deadline, the Zoning Administrator/Building Official shall review the application and confer with the applicant to ensure an understanding of the applicable requirements of this development code; that the applicant has submitted all of the information they intend to submit; and that the application represents precisely and completely what the applicant proposes to do.
2. Once the applicant indicates that the application is as complete as the applicant intends to make it, the application shall be placed on the agenda of the appropriate review board in accordance with standard procedures. However, if the application is determined incomplete, a recommendation to deny the application on that basis shall be provided to the appropriate reviewing entity.

H. Concurrent Applications

Applications may be filed and reviewed concurrently, at the option of the applicant, provided there is not a pending appeal filed by applicant on the subject site (see Paragraph 9.23.1D(1)).

9.3.4 Public Hearings and Notification

A. Required Hearings and Notification

A public hearing shall be required and notification given as set forth below:

	x-ref	Public Hearing					Public Hearing Notice			Public Notice Mailed To			
		Board of Adjustment	Technical Rev. Committee	Landmarks Commission	Land Use Control Board	Governing Bodies	Sign Posted	Mailed	Newspaper Publication	Subject Property	Adjacent Owners ⁴	Owners within 750 Ft. Radius ¹	Neighborhood Associations ⁵
Text Amendment	9.4				PH	PH			LUCB/GB				
Zoning Change & Residential Corridors	9.5 & 8.5				PH	PH	SP	M	GB	■	■	■	■
Comprehensive Rezoning	9.5.12				PH	PH	SP	M	LUCB/GB	■			■
Replacement of the Zoning Map	9.5.13				PH	PH		M ⁹	LUCB/GB	■ ⁹			
Special Uses & Planned Developments:													
Special Uses & Special Use Amendments	9.6 & 9.6.12A				PH	PH-AO	SP	M		■	■	■	■
Special Use Major Modifications	9.6.12B				PH	PH-AO	SP	M		■	■	■	■
Special Use Minor Modifications	9.6.12C				PH-AO			M-AO		■	□		□
P. D. Outline Plan & Amendments	9.6 & 9.6.11E(1)				PH	PH-AO	SP	M		■	■	■	■
P. D. Major Modifications	9.6.11E(2)				PH	PH-AO	SP	M		■	■	■	■
P. D. Minor Modifications	9.6.11E(3)				PH-AO			M-AO		■	□		□
P. D. Final Plan	9.6												
P. D. Public Contract	9.6												
Subdivision:													
Minor Preliminary Plan	9.7.6		PH		PH-AO			M		■	■		■
Major Preliminary Plan	9.7.7				PH	PH-AO		M		■	■		■
Resubdivision					PH	PH-AO		M		■	■	■	■
Final Plat	9.7.8												
Public Contract	9.7.8												
Right-of-Way Vacation													
Conversions	9.8				PH	PH-AO	SP	M		■	■		■
Physical Closures	9.8				PH	PH-AO	SP	M		■	■	■ ⁶	■
Abandonment	9.8				PH	PH-AO		M		■	■		■
Right-of-Way Dedication	9.9				PH	PH-AO		M		■	■		■
Street Name Change	9.10				PH	PH		M		■	■		■
Plat of Record Revocation	9.11				PH	PH-AO		M		■	■		■
Administrative Site Plan	9.12	PH-AO						M-AO		■	□		□
Special Exception	9.14				PH	PH-AO	SP	M		■	■		■
Special District Administrative Review	9.13	PH-AO								■	□ ³		□
Historic District Designation	8.6			PH	PH	PH	SP	M	LM/LUCB/GB	■	■		■
Major Certificate of Appropriateness	8.6.3			PH				M		■	■	■ ⁷	
Historic District (Demolition by Neglect)	8.6.4			PH-AO						□	□		
Non-Use Variance² and Cond. Use Perm.	9.22 & 9.24	PH						M		■	■	■	
Use Variance	9.22	PH					SP ⁸	M		■	■	■	
Board of Adjustment Correspondence	2.4.5, 9.22.9, 9.23.1E(2) & 9.24.10	PH						M		■	■		
Administrative Decision		PH-AO								□			
Change in Nonconforming Use Permit	10.2.5	PH						M		■	■	■	

1. If the 750-foot radius includes less than 25 property owners, the radius shall be extended at 100-foot intervals to reach a minimum of 25 property owners provided, however, that the maximum total radius is 1,500 feet.

2. In the case of setback variation requests less than 5 feet only adjacent property owners shall be notified.

3. Public notice mailed to property owners within a 300-foot radius of the subject property.

4. "Adjacent owners" includes abutting owners and those across the street or other ROW from the subject site.

5. Public Notice to Neighborhood Associations may be mailed or sent via electronic mail.

6. The 750-foot radius shall be measured from the entire segment of the road affected by the closure rather than the area of right-of-way to be vacated. The segment of road affected shall be defined to mean that portion of public right-of-way that contains the proposed closure between the two nearest intersecting streets on either side of the closure.

7. A 150-foot radius is utilized for Certificates of Appropriateness.

8. Sign posting is not required for use variances for single-family residences.

9. See Sub-Section 9.5.13B for the mailed notice requirements applicable to replacements of the zoning map

PH = Public Hearing

PH-AO = Public Hearing Upon Appeal or Objection Only (see Section 9.2.2)

LUCB = Land Use Control Board

GB = Governing Body

SP = Public Hearing Sign Posted

LM = Landmarks Commission

M = Public Hearing Notice Mailed

M-AO = Public Hearing Notice Mailed - Appeal Only

GB-RO = Governing Body Publication for Hearing upon Request Only

P = Sign posted prior to administrative approval

■ = Public Notice Sent To

□ = Public Notice Sent Only On Appeal

B. Published Notice

Where published notice is required, a distinctive advertisement shall be placed by the Zoning Administrator in a local newspaper of general circulation in the City of Memphis and Shelby County not more than 30 or less than ten days prior to the date of the public hearing.

C. Posted Notice (Sign)

1. Sign Size and Type

Each sign shall be two feet by three feet in size made to standards and specifications as provided by the Zoning Administrator. All signs will include language stating that defacing or removal of the sign by anyone other than the owner or his or her agent is an illegal act and the person who defaces or removes the sign without permission of the owner will be penalized. Public notice signs are not subject to any sign permit or sign permit fees.

2. Location

a. Zoning Change, Special Use, Planned Development, Special Exception

Signs shall be posted at the nearest right-of-way with the largest traffic volumes as determined by the Zoning Administrator. Each sign shall be placed no further than five feet from the right-of-way visible from each public street on which the subject property has frontage and placed outside the sight distance triangle. Additional signs may be required to be posted at each major roadway entrance to the development or as otherwise determined to be needed by the Zoning Administrator.

b. Comprehensive Rezoning and Historic District Designation

A sign shall be posted at each major roadway entrance to any area being comprehensively rezoned as determined by the Zoning Administrator.

c. Right-of-Way Vacation

A sign shall be posted at each end of the right-of-way to be vacated.

3. Responsibility for Installation and Removal

- a. The applicant shall be solely responsible for signage installation and removal and associated costs.
- b. Signs shall be erected not more than 30 or less than 10 days prior to the date of the public hearing. Applicants may temporarily remove the signs after each public hearing, provided they reinstall the signs at least 10 days prior to the next public hearing. The applicant shall submit a signed affidavit stating that the signs were installed and the date and posting of the property.
- c. Signs shall be removed within 14 days following final action by the governing bodies.

D. Mailed Notice

1. Where mailed notice is required, notification shall be mailed not more than 45 or less than 20 days prior to the date of the public hearing. Mailed notice shall be provided to all property owners within Shelby County in accordance with the provisions of this Code.
2. All of the neighborhood associations registered with the City of Memphis Office of Community Affairs whose boundaries include properties within 1,500 feet of the subject property shall be provided mailed notice in accordance with Sub-Section 9.3.4A. Notice via electronic mail may substitute for mailed notice.

E. Content of Notice

1. Published or Mailed Notice

Published or mailed notice shall provide at least the following:

- a. A case number;
- b. The address of the subject property (if available);
- c. The general location of the land that is the subject of the application, which may include, a location map
- d. A description of the action requested;
- e. Where a zoning change is proposed, the current and proposed districts;
- f. The time, date and location of the public hearing (or neighbor meeting if applicable);
- g. A phone number and email address to contact the Zoning Administrator; and

- h. A statement that interested parties may appear at the public hearing.

2. Posted Notice

Required posted notice shall indicate the following:

- a. A case number;
- b. Type of action; and
- c. A phone number to contact the Zoning Administrator; and
- d. All signs shall include language stating that defacing or removal of the sign by anyone other than the owner or his agent is an illegal act and the person who defaces or removes the sign without permission of the owner will be penalized.

F. Constructive Notice

- 1. Minor defects in notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements.
- 2. Undelivered mailed notice in excess of 25% of total required mailing within a 750-foot radius of the property only, shall constitute failed notice and shall serve to invalidate proceedings unless sufficient notice is provided in accordance with this section.

9.3.5 Notice of Decision

Within seven days after a decision is made, a copy of the decision shall be sent to the applicant and filed with the Zoning Administrator, where it shall be available for public inspection during regular office hours.

9.3.6 Withdrawal of Application

- A. An applicant may withdraw an application at any time, by filing a statement of withdrawal with the Zoning Administrator/Building Official except as provided in paragraph C below.
- B. The statement of withdrawal shall be in writing and may be delivered by hand, through mail or electronically.
- C. If a valid zoning protest petition has been filed, the application may be withdrawn only if the statement of withdrawal is filed no later than five days prior to the date of the public hearing upon which the matter is to be returned for action by the governing bodies. Thereafter, the application may be withdrawn only by action of the governing bodies, by majority vote.

The Zoning Administrator/Building Official may withdraw applications due to the failure of the applicant to submit required information within 90 days of the initial request.

NOTE- Skip to Section 9.5.13 (pg. 454). No changes proposed to text for Chapter 9.4.

NOTE- The below is a new Section to be inserted after existing Section 9.5.12

9.5.13 Replacement of the Zoning Map

A. Purpose and Intent

The governing bodies may from time to time repeal and completely replace the zoning map in order to make necessary and appropriate revisions. In so doing, consideration will be given to the character of the areas, suitability of particular uses, protecting natural areas, conservation and protection of aesthetics, conserving the value of buildings and communities, and encouraging the most appropriate use of land throughout the City and County. These procedures shall further the protection of the health, safety and general welfare of the citizens of the City and County. Only the legislative bodies may initiate a repeal and complete replacement of the zoning map. Repeal and complete replacement of the map shall be accomplished by majority vote.

B. Mailed Notice

1. Replacements of the zoning map shall be subject to only the mailed notice requirements of this Sub-Section
2. Not more than 45 or less than 20 days prior to the date of the Land Use Control Board hearing, the Zoning Administrator shall issue a mailed notice to the owners of all properties within Memphis and unincorporated Shelby County. The notice shall contain the following information:
 - a. The current zoning district of the subject property
 - b. The proposed zoning district of the subject property
 - c. Information on how the recipient may review the proposed map in its entirety
 - d. The time, date, and location of the Land Use Control Board public hearing
 - e. A statement that interested parties may appear at the public hearing
 - f. A statement that that the proposed zoning district is subject to change prior to the final decision of the governing body
 - g. A statement that the Land Use Control Board will be making a recommendation on the proposed map at the public hearing, with a final decision to be made by the appropriate governing body
 - h. Notice that the governing body will then meet for a final decision, including citation to or location where the governing body's agenda may be found
3. For the purposes of this Sub-Section, "owner" shall mean the owner of record according to the most recent tax roll published by the County Assessor of Property.
4. For the purposes of mailed notice, the current and proposed zoning district for each property shall be those in which the property's centroid lies. The Zoning Administrator need not issue multiple notices for split-zoned properties.
5. Minor defects in notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with the applicable notice requirements.

AGENDA ITEM: 4

CASE NUMBER: ZTA 2026-002 **L.U.C.B. MEETING:** July 9, 2026

APPLICANT: Memphis and Shelby County Division of Planning and Development

REPRESENTATIVE: Brett Ragsdale, Director

REQUEST: Adopt the recommended amendment to the Unified Development Code

FINDINGS

1. Staff has been clear throughout the UDC Update process that we intend to recommend the replacement of the zoning map in its entirety.
2. The current UDC is silent on the procedural requirements for complete replacements of the zoning map. This silence has created uncertainty among stakeholders that this amendment will eliminate.
3. The issuance of mailed notice prior to the Land Use Control Board hearing for zoning map replacements is practical and will advance public understanding of the impacts the updates on properties throughout the County.
4. The proposed amendment will ensure all parties have a clear, shared understanding of the process by which the zoning map may be replaced in its entirety.

RECOMMENDATION:

Approval

INTRODUCTION

Throughout the ongoing effort to update the Unified Development Code (UDC), now approaching three years in length, staff has been clear that we intend to recommend the complete replacement of the zoning map. The zoning map, having not been replaced in more than 70 years, has grown increasingly out of alignment with city- and county-wide goals, including but not limited to those outlined in the Memphis 3.0 Comprehensive Plan. Additionally, as our draft code text has been developed alongside the draft zoning map, it cannot achieve its resident-identified goals without the replacement of the zoning map. Put simply, complete replacement of the zoning map is an overdue and necessary step to achieving our mission of affordable, livable communities for all residents of Memphis and Shelby County.

However, the current UDC is silent on the procedural requirements of replacing the zoning map. Section 9.5.12 discusses comprehensive rezonings, but these are small area rezonings, such as the comprehensive rezoning of Lamar Ave. undertaken in 2020 (Z 2020-004). In fact, the UDC explicitly limits comprehensive rezonings to “planning districts or planning areas” (Sub-Section 9.5.12B, see next page). Clearly, the current UDC does not contemplate the complete replacement of the zoning map.

The UDC’s silence on map replacements has led to a lack of clarity regarding, among other things, their public notice requirements. ***This amendment will eliminate this ambiguity and ensure public understanding of the process for replacing the entire zoning map.*** Importantly, we are recommending that the Zoning Administrator be required to mail notice to the owner of each property in our jurisdiction informing them of the proposed map replacement. These notices would feature the current and proposed zoning district for each property and largely resemble the public notices staff issues for other zoning cases.

In short, this zoning text amendment will ensure that staff, stakeholders, residents, and elected officials all possess the same, clear understanding of the procedural requirements for zoning map replacements. It will ensure general public understanding of the UDC Update and how it may impact properties throughout the County. Finally, it will allow staff to continue our progress toward adoption of the new UDC, including the new zoning map, transforming three years of public engagement into modern, simple, and logical zoning regulations for the future of Memphis and Shelby County.

For these reasons, staff recommends ***approval.***

CURRENT UDC SECTION 9.5.12: COMPREHENSIVE ZONING CHANGE

As shown in the highlighted section, the current UDC language for comprehensive rezonings is only applicable to zoning changes within designated “planning districts or planning areas.” This section, therefore, is not applicable to complete replacements of the zoning map, necessitating the subject Zoning Text Amendment.

9.5.12 Comprehensive Zoning Change

A. Purpose

The purpose of a comprehensive zoning change is to rezone areas in conformance with the principles of comprehensive land use planning and staged development as reflected by established public plans and policies, and planned public facilities. Through comprehensive zoning change, consideration will be given to the character of the areas, suitability of particular uses, protecting natural areas, conservation and protection of aesthetics, conserving the value of buildings and communities and encouraging the most appropriate use of land throughout the City and County. These procedures shall further the protection of the health, safety and general welfare of the citizens of the City and County. Only the legislative bodies may initiate a comprehensive rezoning. If 100% of the subject property owners do not approve of the rezoning, a majority of the full legislative body (see Section 9.2.1) shall be required for final approval.

B. Designated Areas

Comprehensive zoning changes shall be limited to those areas designated as planning districts or planning areas, or other areas for which a plan has been approved or adopted by the governing bodies after a public hearing and notice has been given in accordance with Section 9.3.4, Public Hearings and Notification.

TEXT SUMMARY

This amendment provides for the following:

- Upon initiation by one of or both governing bodies, the Zoning Administrator may propose an entirely new zoning map for consideration by the Land Use Control Board.
- Prior to the Land Use Control Board’s consideration of the new map, the Zoning Administrator shall mail notice to the owner of each property within the UDC’s jurisdiction. These notices shall include the current and proposed zoning district for each property, as well as direction for appearing at a public hearing and reviewing the map in its entirety.
- The amendment would also require newspaper publication prior to both the Land Use Control Board and governing body public hearings.

ATTACHMENTS

Attached to this document is the full redline of the proposed amendment as well as proof of newspaper notice publication in the May 29 and June 30 editions of the Memphis Daily News.

Article 9. Administration

REVIEW BODIES

Governing Bodies

A. General Authority

The governing bodies may exercise additional powers as may be described elsewhere in this development code and as permitted by the City or County Code of Ordinances.

B. Final Authority

With respect to this development code, the governing bodies are responsible for final action regarding:

1. Text amendments;
2. Zoning changes;
3. Comprehensive rezonings;
- ~~3.4.~~ Replacements of the zoning map;
- ~~4.5.~~ Special uses and special use amendments;
- ~~5.6.~~ Planned development outline plan and amendments;
- ~~6.7.~~ Planned development public contracts;
- ~~7.8.~~ Final plat public contracts;
- ~~8.9.~~ Right-of-way vacation;
- ~~9.10.~~ Right-of-way dedication; and
- ~~10.11.~~ Historic district designation.

Land Use Control Board

A. Establishment

The Land Use Control Board is established pursuant to Joint Ordinance-Resolution No. 2524 (Memphis City Code § 2-50).

B. General Authority

1. The Land Use Control Board performs related duties as directed by the governing bodies.
2. The Land Use Control Board may exercise additional powers as may be described elsewhere in this development code and as permitted by the City or County Code of Ordinances.

C. Review Authority

With respect to this development code, the Land Use Control Board reviews and makes recommendations regarding:

1. Text amendments;
2. Zoning changes;
3. Comprehensive rezonings;
- ~~3.4.~~ Replacements of the zoning map;
- ~~4.5.~~ Special uses and special use amendments;
- ~~5.6.~~ Planned development outline plan and amendments;
6. Street Name Change;
7. Right-of-way vacation;
8. Right-of-way dedication; and
9. Historic district designation.

D. Final Authority

With respect to this development code, the Land Use Control Board shall be responsible for final action (subject to appeal) regarding:

1. Planned development major modifications;
2. Special use major modifications;
3. Major preliminary plans;
4. Resubdivision;

5. Plat of record vacation; and
6. Special exceptions.

Board of Adjustment

A. Establishment

The Board of Adjustment is established pursuant to Joint Ordinance-Resolution No. 722 Memphis City Code § 2-48).

B. General Authority

1. The Board of Adjustment performs related duties as directed by the governing bodies.
2. The Board of Adjustment may exercise additional powers as may be described elsewhere in this development code and as permitted by the City or County Code of Ordinances.

C. Final Authority

With respect to this development code, the Board of Adjustment is responsible for final action regarding:

1. Variances;
2. Appeals from Administrative decisions
3. Interpretation of zoning district boundaries.
4. Change in nonconforming use permit; and
5. Conditional Use Permits.

Landmarks Commission

A. Defined

The Memphis Landmarks Commission is identified as having the authority to enforce certain provisions of this development code.

B. Establishment

The Landmarks Commission serves as a historic zoning commission pursuant to Tennessee Code 13-7-403 for the City of Memphis (see Memphis City Code § 14-24-5).

C. General Authority

The Landmarks Commission conducts and encourages research, planning and educational projects for the purpose of protecting historic districts and documenting the historic significance thereof, including the following:

1. Recommend to the governing bodies designated sites and districts for loans and grants under the City Landmark Fund and subject to approval by the governing bodies; make application for and administer grants for the purpose of preserving and restoring structures and sites located within a Historic Overlay District.
2. Initiate or assist in surveys, plans and studies and programs designed to identify, list and evaluate structures, objects, sites and areas worth of preservation and develop strategies and methods for their protection.
3. Consult with and consider the recommendations of civic groups, public agencies and citizens interested in historic preservation and provide information to the public.
4. Research historic properties and apply for designation to the National Register of Historic Places and establish a list of properties eligible for designation as a Historic Overlay District.

D. Review Authority

With respect to this development code, the Landmarks Commission reviews and make recommendations regarding rezoning to a Historic district designation.

E. Final Authority

With respect to this development code, the Landmarks Commission is responsible for final action regarding applications for a Certificate of Appropriateness.

Downtown Memphis Commission Design Review Board

A. Establishment

The Downtown Memphis Commission Design Review Board is established pursuant to Memphis City Code § 12-44.

B. General Authority

1. The Downtown Memphis Commission Design Review Board performs related duties as directed by the City Council.

2. The Downtown Memphis Commission Design Review Board may exercise additional powers as may be described elsewhere in this development code and as permitted by the City Code of Ordinances.

C. Final Authority

With respect to this development code, the Downtown Memphis Commission Design Review Board is responsible for reviewing applications and issuing permits with respect to the design of public building façades and exteriors in public view, signs and other public improvements within the Central Business Improvement District.

Zoning Administrator

The Zoning Administrator may designate any staff member to represent the Zoning Administrator in any function assigned by this development code. The Zoning Administrator remains responsible for any final action.

A. General Authority

1. The Zoning Administrator performs related duties as directed by the governing bodies.
2. The Zoning Administrator may exercise additional powers as may be described elsewhere in this development code and as permitted by the City or County Code of Ordinances.

B. Review Authority

With respect to this development code, the Zoning Administrator reviews and makes recommendations regarding:

1. Text amendments;
2. Zoning changes;
3. Comprehensive rezonings;
- 3.4. Replacements of the zoning map;
- 4.5. Special uses, special use amendments and major modifications;
- 5.6. Planned development outline plan and amendments;
- 6.7. Planned development major modifications;
- 7.8. Major preliminary plans review;
- 8.9. Resubdivision;
- 9.10. Right-of-way vacation;
- 10.11. Right-of-way dedication;
- 11.12. Street name change;
- 12.13. Plat of record vacation;
- 13.14. Special exceptions
- 14.15. Historic district designation;
- 15.16. Certificates of appropriateness; and
- 16.17. Variances.

C. Final Authority

With respect to this development code, the Zoning Administrator is responsible for final action (subject to appeal) regarding:

1. Special use minor modifications;
2. Planned development minor modifications;
3. Planned development final plats;
4. Minor preliminary plans;
5. Final plats;
6. Administrative site plans;
7. Tree removal;
8. Final plat; Demolition by neglect;
9. Administrative deviations; and
10. Written interpretations.

Building Official

A. Delegation of Authority

The Building Official may designate any staff member to represent the Building Official in any function assigned by this development code. The Building Official remains responsible for any final action.

B. General Authority

1. The Building Official performs related duties as directed by the governing bodies.
2. The Building Official may exercise additional powers as may be described elsewhere in this development code and as permitted by the City or County Code of Ordinances.

C. Final Authority

With respect to this development code, the Building Official is responsible for final action (subject to appeal) regarding the following:

1. Temporary use review;
2. Sign permit; and
3. Certificate of occupancy.

Technical Review Committee

The Technical Review Committee is comprised of City and County agencies and is established to provide technical assistance in the review of certain provisions of this development code as set forth below.

A. Composition

The Technical Review Committee shall consist of a representative from the following. The Zoning Administrator shall serve as chairman of the Technical Review Committee and shall be responsible for all final recommendations.

1. Division of Planning and Development – Land Use and Development Services.
2. Division of Planning and Development – Comprehensive Planning.
3. Division of Planning and Development – Construction Enforcement.
4. City Traffic Engineer.
5. City and County Public Works Divisions.
6. City and County Engineering Divisions.
7. City and County Fire Departments.
8. Shelby County Health Department.
9. Memphis Light, Gas, and Water Division.

B. Review Authority

1. With respect to this development code, the Technical Review Committee may review at the discretion of the Zoning Administrator the following:
 - a. Text amendments;
 - b. Special uses and special use revisions;
 - c. Planned development outline plan amendments;
 - d. Planned development major modifications;
 - e. Planned development minor modifications;
 - f. Planned development final plats;
 - g. Minor preliminary plans;
 - h. Right-of-way vacation;
 - i. Administrative site plans; and
 - j. Special exceptions.
2. With respect to this development code, the Technical Review Committee shall review the following:
 - a. Planned development outline plans;
 - b. Major preliminary plans;
 - c. Resubdivision;
 - d. Right-of-way dedication;
 - e. Street name change; and

- f. Plat of record vacation.

SUMMARY OF REVIEW AUTHORITY

Governing Bodies

The City Council retains review and approval or appeal authority within the City limits of Memphis and the Board of Commissioners retains review and approval or appeal authority within unincorporated Shelby County.

Summary of Review Table

	x-ref	Review, Recommendation, Decision and Approval							
		City or County Engineer	Building Official	Technical Review Committee	Zoning Administrator	Board of Adjustment	Landmarks Commission	Land Use Control Board	Governing Bodies
Text Amendment	9.4			Δ	RR			RR	D
Zoning Change	9.5				RR			RR	D
Comprehensive Rezoning	9.5.12				RR			RR	D
Replacement of the Zoning Map	9.5.13				RR			RR	D
Special Uses & Planned Developments:									
Special Uses & Special Use Amendments	9.6 & 9.6.12A			Δ	RR			RR	D*
Special Use Major Modification	9.6.12B			Δ	RR			D	A
Special Use Minor Modification	9.6.12C			Δ	D			A*	
P. D. Outline Plan & Amendments	9.6 & 9.6.11E(1)			R	RR			RR	D*
P. D. Major Modifications	9.6.11E(2)			Δ	RR			D	A
P. D. Minor Modifications	9.6.11E(3)			Δ	D			A*	
P. D. Final Plan	9.6			Δ	D			A*	
P. D. Public Contract	9.6	RR							D
Subdivision:									
Minor Preliminary Plan	9.7.6			Δ	D			A	
Major Preliminary Plan	9.7.7			R	RR			D	A
Resubdivision				R	RR			D	A
Final Plat without Standard Contract	9.7.8			Δ	D			A*	
Final Plat w/Standard Contract	9.7.8	RR							D
Right-of-Way Vacation	9.8			Δ	RR			RR	D
Right-of-Way Dedication	9.9			R	RR			RR	D
Street Name Change	9.10			R	RR			RR	D
Plat of Record Revocation	9.11			R	RR			D	A
Administrative Site Plan	9.12			Δ	D	A**			
Special District Administrative Review	9.13			Δ	D	A**			
Special Exception	9.14			Δ	RR			D	A
Historic District Designation	8.6				RR		RR	RR	D
Certificate of Appropriateness	8.6.3				RR		D		
Historic District (Demolition by Neglect)	8.6.4				D		A*		
Board of Adjustment					RR	D			
Administrative Decision		D	D		D	A**			
Change in Nonconforming Use Permit	10.2.5				RR	D			

D = Decision

D* = Decision but no public hearing unless a request for a hearing is properly filed by an individual who was either present at LUCB and made a vocal objection or who submitted written comments to DPD prior to LUCB.

R = Review

RR = Review & Recommendation

Δ = Review at Discretion of Zoning Administrator

A = Appeal

A* = Only the subject property owner or his or her representative may appeal decisions of the Zoning Administrator, Building Official or City or County Engineer.

A** = Only the subject property owner and those property owners within 1000 feet of the subject property, as measured from property line to property line, may appeal decisions of the Zoning Administrator, Building Official or City or County Engineer.

COMMON REVIEW PROCEDURES

Pre-Application Conference

- A. The pre-application conference is a meeting in which the Zoning Administrator discusses the procedures, standards and regulations required for approval in accordance with this development code with the applicant.
- B. A mandatory pre-application conference with the Zoning Administrator shall be required for the following:
 - 1. Zoning change;
 - 2. Special use permit;
 - 3. Planned development outline plan;
 - 4. Minor preliminary plan;
 - 5. Major preliminary plan;
 - 6. Right-of-way vacation;
 - 7. Right-of-way dedication;
 - 8. Plat of record;
 - 9. Plat revocation;
 - 10. Historic district designation; and
 - 11. Certificate of Appropriateness.
- C. A pre-application conference is optional for any application not listed in Sub-Section B above.

Neighborhood Notification and Meeting

- A. At least ten days, but not more than 120 days, prior to a hearing before the Land Use Control Board, the applicant shall host and/or attend a neighborhood meeting with representatives from neighborhoods adjacent to the development site which the hearing involves:
 - 1. Zoning change;
 - 2. Special use permit or amendment to a special use permit;
 - 3. Planned development outline plan or amendment to a planned development outline plan; and
 - 4. All subdivisions except minor subdivisions.
- B. Procedure
 - 1. Where applicable, the Division of Planning and Development shall mail notification of the neighborhood meeting prepared and provided by the applicant to the following individuals: 1) the officers of any neighborhood or business associations registered with the City of Memphis Office of Community Affairs whose boundaries include properties within 1,500 feet of the subject property; 2) all current residents of single-family and two-family dwellings within the notification area; 3) all property owners within the notification area, if different from the current residents; 4) the members of the Memphis City Council who represent the district and super-district in which the development is planned, or for areas in unincorporated Shelby County, the member of the Shelby County Board of Commissioners who represent the district in which the development is planned; and 5) all residents of multi-family dwellings within the notification area; to inform the community of the proposed development and solicit comments. If the applicant is unable to make notification to the multi-family dwellings, he or she shall provide notice to the Division of Planning and Development the reason and shall mail notification of the neighborhood meeting to the rental or management offices of all multi-family dwellings within the notification area with a request that said rental or management office post the notification in a conspicuous location within a common area(s), including, but not limited to: entry doors, hallways, mailbox areas and laundry rooms.
 - 2. The neighborhood notification requirements shall be the same as the mailed public notice requirements in 9.3.4A. The notification shall identify the time and place of the neighborhood meeting, as well as a description and map of the project. The notification shall also include the public hearing date of when the application will be heard by the Land Use Control Board. The applicant shall contact the officer(s) of any neighborhood or business association registered with the City of Memphis Office of Community Affairs prior to determining a date for the neighborhood meeting.
 - 3. The notification shall be prepared by the applicant and presented to the Division of Planning and Development no later than two working days prior to the date set out in the mailing requirement provided in Paragraph 5 below. The notification shall be folded, sealed and placed in stamped envelopes when presented to the Division of Planning

and Development. The following items shall accompany the notification when presented to the Division of Planning and Development: a copy of the letter to be mailed to all parties, a copy of the address labels to whom notification will be mailed and a map of the notice area.

4. If practicable, the neighborhood meeting shall be held at a public building or place of worship within a one-mile radius of the subject property, or at the subject property itself.
 5. If the notification package is determined to be complete by the Zoning Administrator, the Division of Planning and Development shall mail the notification no later than 20 days prior to the hearing before the Land Use Control Board and no later than 10 days prior to the date of the neighborhood meeting. If the neighborhood notification package is determined to be incomplete by the Zoning Administrator, the application is subject to being considered incomplete and removed from the Land Use Control Board agenda.
 6. Neighborhood meetings are the sole responsibility of the applicant. Documentation of its proceedings shall also be provided to the Division of Planning and Development. The applicant may request neighborhood organizations' contact information, if available, from the Division of Planning and Development.
- C. The purpose of the neighborhood notification and meeting is to inform the neighborhood of the nature of the proposed land use and development features and solicit comments. Applicants shall reserve at least 15 minutes of the neighborhood meeting for community members, businesses and/or neighborhood associations wishing to make a presentation regarding the development.
- D. Any neighborhood or business association registered with the City of Memphis Office of Community Affairs whose boundaries include properties within 1,500 feet of the development area will have the opportunity to submit a Community Impact Statement (CIS). The purpose of the CIS is to provide community members a chance to give an opinion and any recommendation regarding the development project. The CIS shall not exceed 500 words. Neighborhood or business associations who intend to file a CIS must submit said statement to the Land Use Control Board or governing bodies prior to the scheduled hearing. If provided prior to the publishing of the Land Use Control Board staff report, the CIS shall be included within the staff report in a prominent position alongside the Division of Planning and Development recommendation. If provided after the publishing of the Land Use Control Board staff report, the CIS will be referenced during the Land Use Control Board public hearing and contained in the materials that are forwarded to the legislative body, where applicable.
- E. Exigent circumstances. A neighborhood meeting may be conducted through electronic or telephonic means if holding an in-person meeting is impractical due to an ongoing public health crisis or other similar situation that is out of the control of the applicant, provided all notice requirements of this section are met. In addition, a neighborhood meeting may be held after the Land Use Control Board votes on the matter but before the governing body does so in the event the Division of Planning and Development makes a determination that a zoning change is not in compliance with a Chapter 1.9 plan with the publishing of its Land Use Control Board staff report (see Paragraph 9.3.2A(1)). In such an event, all notice and timing requirements of this Section shall still apply, but will be timed in conjunction with date the governing body is expected to vote on the matter.

Application Requirements

A. Initiation of Request

A request for development approval may be initiated in accordance with the following. For the purpose of this Sub-Section, “body” shall mean either the Memphis City Council or the Shelby County Board of Commissioners; “board” shall mean the Land Use Control Board and “staff” shall mean the Chief Administrative Officer of either the City of Memphis or Shelby County, or the Zoning Administrator.

	Agent/ Owner/ Applicant	Body/ Board/ Staff
Text Amendment		■
Zoning Change	■	■
Comprehensive Rezoning		■*
<u>Replacement of the Zoning Map</u>		■*
Special Uses and Planned Developments:		
Special Uses & Special Use Amendments	■	
Special Use Minor Modifications	■	
Special Use Major Modifications	■	
P. D. Outline Plan & Amendments	■	
P. D. Minor Modifications	■	
P. D. Major Modifications	■	
P. D. Final Plan	■	
P. D. Public Contract	■	
Subdivision:		
Minor Preliminary Plan	■	
Major Preliminary Plan	■	
Resubdivision	■	
Final Plat	■	
Public Contract	■	
Right-of-Way Vacation	■	■
Right-of-Way Dedication	■	
Street Name Change	■	■
Plat of Record Revocation	■	■
Administrative Site Plan Review	■	
Special District Administrative Review	■	
Special Exception Review	■	
Temporary Use Review	■	
Tree Removal	■	
Sign Permit	■	
Certificate of Occupancy	■	
Historic District Designation	■	■
Certificate of Appropriateness	■	
Demolition by Neglect		■
Written Interpretations	■	
Administrative Deviation	■	
Variance and Conditional Use Permit	■	
Appeal of Administrative Decision	■	
Change in Nonconforming Use Permit	■	

*Only the body(s) may initiate a request for a comprehensive rezoning or replacement of the zoning map (see Sub-Sections 9.5.12A and 9.5.13A).

B. Submittals

Applications required under this development code shall be filed with the Division of Planning and Development in accordance with the following.

	Zoning Administrator	Building Official
Text Amendment	■	
Zoning Change	■	
Comprehensive Rezoning	■	
Replacement of the Zoning Map	■	
Special Uses and Planned Developments:		
Special Uses & Special Use Amendments	■	
Special Use Minor Modifications	■	
Special Use Major Modifications	■	
P. D. Outline Plan & Amendments	■	
P. D. Minor Modifications	■	
P. D. Major Modifications	■	
P. D. Final Plan	■	
P. D. Public Contract	■	
Subdivision:		
Minor Preliminary Plan	■	
Major Preliminary Plan	■	
Resubdivision	■	
Final Plat	■	
Public Contract	■	
Right-of-Way Vacation	■	
Right-of-Way Dedication	■	
Street Name Change	■	
Plat of Record Revocation	■	
Administrative Site Plan Review	■	
Special District Administrative Review	■	
Special Exception Review	■	
Temporary Use Review		■
Tree Removal	■	
Sign Permit	■	
Certificate of Occupancy		■
Historic District Designation	■	
Certificate of Appropriateness	■	
Demolition by Neglect	■	
Written Interpretations	■	
Administrative Deviation	■	
Variance and Conditional Use Permit	■	
Appeal of Administrative Decision	■	
Change in Nonconforming Use Permit	■	

C. Forms

Applications required under this development code must be submitted on forms and in such numbers as required by the Division of Planning and Development.

D. Fees

Filing fees have been established to defray the cost of processing the application, as listed with the Division of Planning and Development and adopted by the governing bodies. Before review of an application, all filing fees must be paid in full.

E. Completeness Determination

1. All applications must be complete before the Zoning Administrator/Building Official is required to review the application.
2. An application is considered complete when it contains all of the information necessary to decide whether or not the development as proposed will comply with all of the requirements of this development code.
3. The presumption is that all of the information required in the application forms is necessary to satisfy the requirements of this Article. However, it is recognized that each application is unique, and therefore more or less information may be required according to the needs of the particular case. The applicant may rely on the recommendations of the Zoning Administrator/Building Official as to whether more or less information shall be submitted.
4. Once the application has been determined complete, copies of the application shall be referred by the Zoning Administrator/Building Official to the reviewing entities.
5. The Zoning Administrator/Building Official may require an applicant to present evidence of authority to submit the application.

F. Application Deadline

Complete applications shall be submitted in accordance with the published calendar schedule. Schedules indicating submittal dates shall be developed each year and made available to the public.

G. Staff Consultation after Application Submitted

1. Upon receipt of a complete application, within 21 days after the filing deadline, the Zoning Administrator/Building Official shall review the application and confer with the applicant to ensure an understanding of the applicable requirements of this development code; that the applicant has submitted all of the information they intend to submit; and that the application represents precisely and completely what the applicant proposes to do.
2. Once the applicant indicates that the application is as complete as the applicant intends to make it, the application shall be placed on the agenda of the appropriate review board in accordance with standard procedures. However, if the application is determined incomplete, a recommendation to deny the application on that basis shall be provided to the appropriate reviewing entity.

H. Concurrent Applications

Applications may be filed and reviewed concurrently, at the option of the applicant, provided there is not a pending appeal filed by applicant on the subject site (see Paragraph 9.23.1D(1)).

Public Hearings and Notification

A. Required Hearings and Notification

A public hearing shall be required and notification given as set forth below:

	x-ref	Public Hearing					Public Hearing Notice			Public Notice Mailed To			
		Board of Adjustment	Technical Rev. Committee	Landmarks Commission	Land Use Control Board	Governing Bodies	Sign Posted	Mailed	Newspaper Publication	Subject Property Owners	Adjacent Owners ⁴	Owners within 750 Ft. Radius ¹	Neighborhood Associations ⁵
Text Amendment	9.4				PH	PH			LUCB/GB				
Zoning Change & Residential Corridors	9.5 & 8.5				PH	PH	SP	M	GB	■	■	■	■
Comprehensive Rezoning	9.5.12				PH	PH	SP	M	LUCB/GB	■			■
Replacement of the Zoning Map	9.5.13				PH	PH		M ⁹	LUCB/GB	■ ⁹			
Special Uses & Planned Developments:													
Special Uses & Special Use Amendments	9.6 & 9.6.12A				PH	PH-AO	SP	M		■	■	■	■
Special Use Major Modifications	9.6.12B				PH	PH-AO	SP	M		■	■	■	■
Special Use Minor Modifications	9.6.12C				PH-AO			M-AO		■	□		□
P. D. Outline Plan & Amendments	9.6 & 9.6.11E(1)				PH	PH-AO	SP	M		■	■	■	■
P. D. Major Modifications	9.6.11E(2)				PH	PH-AO	SP	M		■	■	■	■
P. D. Minor Modifications	9.6.11E(3)				PH-AO			M-AO		■	□		□
P. D. Final Plan	9.6												
P. D. Public Contract	9.6												
Subdivision:													
Minor Preliminary Plan	9.7.6		PH		PH-AO			M		■	■		■
Major Preliminary Plan	9.7.7				PH	PH-AO		M		■	■		■
Resubdivision					PH	PH-AO		M		■	■	■	■
Final Plat	9.7.8												
Public Contract	9.7.8												
Right-of-Way Vacation													
Conversions	9.8				PH	PH-AO	SP	M		■	■		■
Physical Closures	9.8				PH	PH-AO	SP	M		■	■	■ ⁶	■
Abandonment	9.8				PH	PH-AO		M		■	■		■
Right-of-Way Dedication	9.9				PH	PH-AO		M		■	■		■
Street Name Change	9.10				PH	PH		M		■	■		■
Plat of Record Revocation	9.11				PH	PH-AO		M		■	■		■
Administrative Site Plan	9.12	PH-AO						M-AO		■	□		□
Special Exception	9.14				PH	PH-AO	SP	M		■	■		■
Special District Administrative Review	9.13	PH-AO								■	□ ³		□
Historic District Designation	8.6			PH	PH	PH	SP	M	LM/LUCB/GB	■	■		■
Major Certificate of Appropriateness	8.6.3			PH				M		■	■	■ ⁷	
Historic District (Demolition by Neglect)	8.6.4			PH-AO						□	□		
Non-Use Variance² and Cond. Use Perm.	9.22 & 9.24	PH						M		■	■	■	
Use Variance	9.22	PH					SP ⁸	M		■	■	■	
Board of Adjustment Correspondence	2.4.5, 9.22.9, 9.23.1E(2) & 9.24.10	PH						M		■	■		
Administrative Decision		PH-AO								□			
Change in Nonconforming Use Permit	10.2.5	PH						M		■	■	■	

1. If the 750-foot radius includes less than 25 property owners, the radius shall be extended at 100-foot intervals to reach a minimum of 25 property owners provided, however, that the maximum total radius is 1,500 feet.

2. In the case of setback variation requests less than 5 feet only adjacent property owners shall be notified.

3. Public notice mailed to property owners within a 300-foot radius of the subject property.

4. "Adjacent owners" includes abutting owners and those across the street or other ROW from the subject site.

5. Public Notice to Neighborhood Associations may be mailed or sent via electronic mail.

6. The 750-foot radius shall be measured from the entire segment of the road affected by the closure rather than the area of right-of-way to be vacated. The segment of road affected shall be defined to mean that portion of public right-of-way that contains the proposed closure between the two nearest intersecting streets on either side of the closure.

7. A 150-foot radius is utilized for Certificates of Appropriateness.

8. Sign posting is not required for use variances for single-family residences.

9. See Sub-Section 9.5.13B for the mailed notice requirements applicable to replacements of the zoning map

PH = Public Hearing
 PH-AO = Public Hearing Upon Appeal or Objection Only (see Section 9.2.2)
 LUCB = Land Use Control Board
 GB = Governing Body
 P = Sign posted prior to administrative approval

LM = Landmarks Commission
 M = Public Hearing Notice Mailed
 M-AO = Public Hearing Notice Mailed - Appeal Only

■ = Public Notice Sent To
 □ = Public Notice Sent Only On Appeal

B. Published Notice

Where published notice is required, a distinctive advertisement shall be placed by the Zoning Administrator in a local newspaper of general circulation in the City of Memphis and Shelby County not more than 30 or less than ten days prior to the date of the public hearing.

C. Posted Notice (Sign)**1. Sign Size and Type**

Each sign shall be two feet by three feet in size made to standards and specifications as provided by the Zoning Administrator. All signs will include language stating that defacing or removal of the sign by anyone other than the owner or his or her agent is an illegal act and the person who defaces or removes the sign without permission of the owner will be penalized. Public notice signs are not subject to any sign permit or sign permit fees.

2. Location**a. Zoning Change, Special Use, Planned Development, Special Exception**

Signs shall be posted at the nearest right-of-way with the largest traffic volumes as determined by the Zoning Administrator. Each sign shall be placed no further than five feet from the right-of-way visible from each public street on which the subject property has frontage and placed outside the sight distance triangle. Additional signs may be required to be posted at each major roadway entrance to the development or as otherwise determined to be needed by the Zoning Administrator.

b. Comprehensive Rezoning and Historic District Designation

A sign shall be posted at each major roadway entrance to any area being comprehensively rezoned as determined by the Zoning Administrator.

c. Right-of-Way Vacation

A sign shall be posted at each end of the right-of-way to be vacated.

3. Responsibility for Installation and Removal

- a. The applicant shall be solely responsible for signage installation and removal and associated costs.
- b. Signs shall be erected not more than 30 or less than 10 days prior to the date of the public hearing. Applicants may temporarily remove the signs after each public hearing, provided they reinstall the signs at least 10 days prior to the next public hearing. The applicant shall submit a signed affidavit stating that the signs were installed and the date and posting of the property.
- c. Signs shall be removed within 14 days following final action by the governing bodies.

D. Mailed Notice

1. Where mailed notice is required, notification shall be mailed not more than 45 or less than 20 days prior to the date of the public hearing. Mailed notice shall be provided to all property owners within Shelby County in accordance with the provisions of this Code.
2. All of the neighborhood associations registered with the City of Memphis Office of Community Affairs whose boundaries include properties within 1,500 feet of the subject property shall be provided mailed notice in accordance with Sub-Section 9.3.4A. Notice via electronic mail may substitute for mailed notice.

E. Content of Notice**1. Published or Mailed Notice**

Published or mailed notice shall provide at least the following:

- a. A case number;
- b. The address of the subject property (if available);
- c. The general location of the land that is the subject of the application, which may include, a location map
- d. A description of the action requested;

- e. Where a zoning change is proposed, the current and proposed districts;
- f. The time, date and location of the public hearing (or neighbor meeting if applicable);
- g. A phone number and email address to contact the Zoning Administrator; and
- h. A statement that interested parties may appear at the public hearing.

2. Posted Notice

Required posted notice shall indicate the following:

- a. A case number;
- b. Type of action; and
- c. A phone number to contact the Zoning Administrator; and
- d. All signs shall include language stating that defacing or removal of the sign by anyone other than the owner or his agent is an illegal act and the person who defaces or removes the sign without permission of the owner will be penalized.

F. Constructive Notice

- 1. Minor defects in notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements.
- 2. Undelivered mailed notice in excess of 25% of total required mailing within a 750-foot radius of the property only, shall constitute failed notice and shall serve to invalidate proceedings unless sufficient notice is provided in accordance with this section.

Notice of Decision

Within seven days after a decision is made, a copy of the decision shall be sent to the applicant and filed with the Zoning Administrator, where it shall be available for public inspection during regular office hours.

Withdrawal of Application

- A. An applicant may withdraw an application at any time, by filing a statement of withdrawal with the Zoning Administrator/Building Official except as provided in paragraph C below.
- B. The statement of withdrawal shall be in writing and may be delivered by hand, through mail or electronically.
- C. If a valid zoning protest petition has been filed, the application may be withdrawn only if the statement of withdrawal is filed no later than five days prior to the date of the public hearing upon which the matter is to be returned for action by the governing bodies. Thereafter, the application may be withdrawn only by action of the governing bodies, by majority vote.

The Zoning Administrator/Building Official may withdraw applications due to the failure of the applicant to submit required information within 90 days of the initial request.

NOTE- Skip to Section 9.5.13 (pg. 454). No changes proposed to text for Chapter 9.4.

9.5.13 Replacement of the Zoning Map

A. Purpose and Intent

The governing bodies may from time to time repeal and completely replace the zoning map in order to make necessary and appropriate revisions. In so doing, consideration will be given to the character of the areas, suitability of particular uses, protecting natural areas, conservation and protection of aesthetics, conserving the value of buildings and communities, and encouraging the most appropriate use of land throughout the City and County. These procedures shall further the protection of the health, safety and general welfare of the citizens of the City and County. Only the legislative bodies may initiate a repeal and complete replacement of the zoning map. Repeal and complete replacement of the map shall be accomplished by majority vote.

B. Mailed Notice

1. Replacements of the zoning map shall be subject to only the mailed notice requirements of this Sub-Section
2. Not more than 45 or less than 20 days prior to the date of the Land Use Control Board hearing, the Zoning Administrator shall issue a mailed notice to the owner of all properties within Memphis and unincorporated Shelby County. The notice shall contain the following information:
 - a. The current zoning district of the subject property
 - b. The proposed zoning district of the subject property
 - c. Information on how the recipient may review the proposed map in its entirety
 - d. The time, date, and location of the Land Use Control Board public hearing
 - e. A statement that interested parties may appear at the public hearing
 - f. A statement that that the proposed zoning district is subject to change prior to the final decision of the governing body
 - g. A statement that the Land Use Control Board will be making a recommendation on the proposed map at the public hearing, with a final decision to be made by the appropriate governing body
 - h. Notice that the governing body will then meet for a final decision, including citation to or location where the governing body's agenda may be found
3. For the purposes of this Sub-Section, "owner" shall mean the owner of record according to the most recent tax roll published by the County Assessor of Property.
4. For the purposes of mailed notice, the current and proposed zoning district for each property shall be those in which the property's centroid lies. The Zoning Administrator need not issue multiple notices for split-zoned properties.
5. Minor defects in notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with the applicable notice requirements.

NOTICE

CASE NUMBER: ZTA 2026-002

Notice is hereby given that the Memphis and Shelby County Land Use Control Board will hold a public hearing on Thursday, June 11, 2026, at 9:00 AM to consider amendments to Memphis and Shelby County Unified Development Code (UDC). The proposed amendments would clarify the process by which the existing zoning map may be repealed and replaced in its entirety. The text of the proposed amendment will be published no later than Friday, June 5 alongside the full meeting agenda. The text will be available for public review via Develop901.com or at the Division of Planning and Development's offices at City Hall, 125 N Main St., Ste. 477 (please call to make an appointment). Interested parties may appear and/or testify during the public hearing, which will be held in the City Council Chambers in the first floor of City Hall, 125 N Main St. Those with questions may direct them to zoning@memphistn.gov or call (901) 636-6619.

May 29, 2026 Md114743

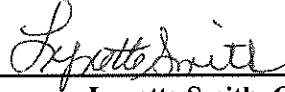
PROOF OF PUBLICATION

THE DAILY NEWS PUBLISHING COMPANY, the Publisher of THE DAILY NEWS, a daily newspaper of general circulation printed in the City of Memphis, County of Shelby and State of Tennessee and distributed in Shelby County in Tennessee, states that the hereto attached publication appeared in THE DAILY NEWS on the following dates:

May 29, 2026

THE DAILY NEWS PUBLISHING COMPANY

By:



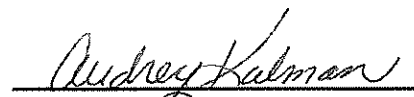
Lynette Smith, Office Administrator

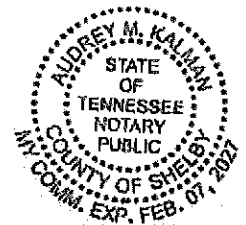
STATE OF TENNESSEE
COUNTY OF SHELBY

On this 29th day of May 2026, the individual above appeared before me, personally known, who, being by me duly sworn did say that she is an authorized agent of the corporation (or association) of The Daily News Publishing Company, that this instrument was signed and sealed on behalf of the corporation (or association), by authority of its CEO and Owner.

This legal notice was published online at www.memphisdailynews.com and www.tnpublicnotice.com for the duration of the run dates listed above. This publication fully complies with all public notice statutes in Tennessee Code Annotated.

WITNESS my hand and Official Seal at office this 29th day of May 2026.


Notary Public



NOTICE

CASE NUMBER: ZTA 2026-002

Notice is hereby given that the Memphis and Shelby County Land Use Control Board will hold a public hearing on Thursday, July 9, 2026, at 9:00 AM to consider amendments to Memphis and Shelby County Unified Development Code (UDC). The proposed amendments would clarify the process by which the existing zoning map may be repealed and replaced in its entirety.

The text of the proposed amendment will be published no later than Friday, July 3 alongside the full meeting agenda. The text will be available for public review via Develop901.com or at the Division of Planning and Development's offices at City Hall, 125 N Main St., Ste. 477 (please call to make an appointment). Interested parties may appear and/or testify during the public hearing, which will be held in the City Council Chambers in the first floor of City Hall, 125 N Main St. Those with questions may direct them to zoning@memphistn.gov or call (901) 636-6619.

June 30, 2026 Md115269

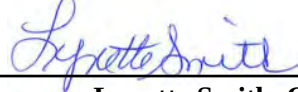
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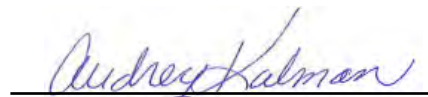
Lynette Smith, Office Administrator

**STATE OF TENNESSEE
COUNTY OF SHELBY**

On this **30th** day of **June 2026**, the individual above appeared before me, personally known, who, being by me duly sworn did say that she is an authorized agent of the corporation (or association) of The Daily News Publishing Company, that this instrument was signed and sealed on behalf of the corporation (or association), by authority of its CEO and Owner.

This legal notice was published online at www.memphisdailynews.com and www.tnpublicnotice.com for the duration of the run dates listed above. This publication fully complies with all public notice statutes in Tennessee Code Annotated.

WITNESS my hand and Official Seal at office this **30th** day of **June 2026**.


Notary Public

**MEMPHIS AND
SHELBY COUNTY** **DIVISION OF PLANNING
AND DEVELOPMENT**

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

LAND USE CONTROL BOARD ZONING TEXT AMENDMENT APPLICATION

Date: May 14, 2026

Case/Docket #: ZTA 2026-002

PLEASE TYPE OR PRINT

Applicant: Brett Ragsdale, Director Phone #: 901-636-7147

Mailing Address: 125 N. Main St., Ste. 468 City/State: Memphis, TN Zip: 38103

Applicant Email Address: brett.ragsdale@memphistn.gov



Signature

May 14, 2026

Date

Attachments: Proposed text changes (redline)

Article 9. Administration

9.1 REVIEW BODIES

9.1.1 Governing Bodies

A. General Authority

The governing bodies may exercise additional powers as may be described elsewhere in this development code and as permitted by the City or County Code of Ordinances.

B. Final Authority

With respect to this development code, the governing bodies are responsible for final action regarding:

1. Text amendments;
2. Zoning changes;
3. Comprehensive rezonings;
- ~~3.4.~~ Replacements of the zoning map;
- ~~4.5.~~ Special uses and special use amendments;
- ~~5.6.~~ Planned development outline plan and amendments;
- ~~6.7.~~ Planned development public contracts;
- ~~7.8.~~ Final plat public contracts;
- ~~8.9.~~ Right-of-way vacation;
- ~~9.10.~~ Right-of-way dedication; and
- ~~10.11.~~ Historic district designation.

9.1.2 Land Use Control Board

A. Establishment

The Land Use Control Board is established pursuant to Joint Ordinance-Resolution No. 2524 (Memphis City Code § 2-50).

B. General Authority

1. The Land Use Control Board performs related duties as directed by the governing bodies.
2. The Land Use Control Board may exercise additional powers as may be described elsewhere in this development code and as permitted by the City or County Code of Ordinances.

C. Review Authority

With respect to this development code, the Land Use Control Board reviews and makes recommendations regarding:

1. Text amendments;
2. Zoning changes;
3. Comprehensive rezonings;
- ~~3.4.~~ Replacements of the zoning map;
- ~~4.5.~~ Special uses and special use amendments;
- ~~5.6.~~ Planned development outline plan and amendments;
6. Street Name Change;
7. Right-of-way vacation;
8. Right-of-way dedication; and
9. Historic district designation.

D. Final Authority

With respect to this development code, the Land Use Control Board shall be responsible for final action (subject to appeal) regarding:

1. Planned development major modifications;

2. Special use major modifications;
3. Major preliminary plans;
4. Resubdivision;
5. Plat of record vacation; and
6. Special exceptions.

9.2.3 Board of Adjustment

A. Establishment

The Board of Adjustment is established pursuant to Joint Ordinance-Resolution No. 722 Memphis City Code § 2-48).

B. General Authority

1. The Board of Adjustment performs related duties as directed by the governing bodies.
2. The Board of Adjustment may exercise additional powers as may be described elsewhere in this development code and as permitted by the City or County Code of Ordinances.

C. Final Authority

With respect to this development code, the Board of Adjustment is responsible for final action regarding:

1. Variances;
2. Appeals from Administrative decisions
3. Interpretation of zoning district boundaries.
4. Change in nonconforming use permit; and
5. Conditional Use Permits.

9.2.4 Landmarks Commission

A. Defined

The Memphis Landmarks Commission is identified as having the authority to enforce certain provisions of this development code.

B. Establishment

The Landmarks Commission serves as a historic zoning commission pursuant to Tennessee Code 13-7-403 for the City of Memphis (see Memphis City Code § 14-24-5).

C. General Authority

The Landmarks Commission conducts and encourages research, planning and educational projects for the purpose of protecting historic districts and documenting the historic significance thereof, including the following:

1. Recommend to the governing bodies designated sites and districts for loans and grants under the City Landmark Fund and subject to approval by the governing bodies; make application for and administer grants for the purpose of preserving and restoring structures and sites located within a Historic Overlay District.
2. Initiate or assist in surveys, plans and studies and programs designed to identify, list and evaluate structures, objects, sites and areas worth of preservation and develop strategies and methods for their protection.
3. Consult with and consider the recommendations of civic groups, public agencies and citizens interested in historic preservation and provide information to the public.
4. Research historic properties and apply for designation to the National Register of Historic Places and establish a list of properties eligible for designation as a Historic Overlay District.

D. Review Authority

With respect to this development code, the Landmarks Commission reviews and make recommendations regarding rezoning to a Historic district designation.

E. Final Authority

With respect to this development code, the Landmarks Commission is responsible for final action regarding applications for a Certificate of Appropriateness.

9.2.5 Downtown Memphis Commission Design Review Board

A. Establishment

The Downtown Memphis Commission Design Review Board is established pursuant to Memphis City Code § 12-44.

B. General Authority

1. The Downtown Memphis Commission Design Review Board performs related duties as directed by the City Council.
2. The Downtown Memphis Commission Design Review Board may exercise additional powers as may be described elsewhere in this development code and as permitted by the City Code of Ordinances.

C. Final Authority

With respect to this development code, the Downtown Memphis Commission Design Review Board is responsible for reviewing applications and issuing permits with respect to the design of public building façades and exteriors in public view, signs and other public improvements within the Central Business Improvement District.

9.2.6 Zoning Administrator

The Zoning Administrator may designate any staff member to represent the Zoning Administrator in any function assigned by this development code. The Zoning Administrator remains responsible for any final action.

A. General Authority

1. The Zoning Administrator performs related duties as directed by the governing bodies.
2. The Zoning Administrator may exercise additional powers as may be described elsewhere in this development code and as permitted by the City or County Code of Ordinances.

B. Review Authority

With respect to this development code, the Zoning Administrator reviews and makes recommendations regarding:

1. Text amendments;
2. Zoning changes;
3. Comprehensive rezonings;
4. Replacements of the zoning map;
5. Special uses, special use amendments and major modifications;
6. Planned development outline plan and amendments;
7. Planned development major modifications;
8. Major preliminary plans review;
9. Resubdivision;
10. Right-of-way vacation;
11. Right-of-way dedication;
12. Street name change;
13. Plat of record vacation;
14. Special exceptions
15. Historic district designation;
16. Certificates of appropriateness; and
17. Variances.

C. Final Authority

With respect to this development code, the Zoning Administrator is responsible for final action (subject to appeal) regarding:

1. Special use minor modifications;
2. Planned development minor modifications;
3. Planned development final plats;
4. Minor preliminary plans;
5. Final plats;
6. Administrative site plans;

7. Tree removal;
8. Final plat; Demolition by neglect;
9. Administrative deviations; and
10. Written interpretations.

9.2.7 Building Official

A. Delegation of Authority

The Building Official may designate any staff member to represent the Building Official in any function assigned by this development code. The Building Official remains responsible for any final action.

B. General Authority

1. The Building Official performs related duties as directed by the governing bodies.
2. The Building Official may exercise additional powers as may be described elsewhere in this development code and as permitted by the City or County Code of Ordinances.

C. Final Authority

With respect to this development code, the Building Official is responsible for final action (subject to appeal) regarding the following:

1. Temporary use review;
2. Sign permit; and
3. Certificate of occupancy.

9.2.8 Technical Review Committee

The Technical Review Committee is comprised of City and County agencies and is established to provide technical assistance in the review of certain provisions of this development code as set forth below.

A. Composition

The Technical Review Committee shall consist of a representative from the following. The Zoning Administrator shall serve as chairman of the Technical Review Committee and shall be responsible for all final recommendations.

1. Division of Planning and Development – Land Use and Development Services.
2. Division of Planning and Development – Comprehensive Planning.
3. Division of Planning and Development – Construction Enforcement.
4. City Traffic Engineer.
5. City and County Public Works Divisions.
6. City and County Engineering Divisions.
7. City and County Fire Departments.
8. Shelby County Health Department.
9. Memphis Light, Gas, and Water Division.

B. Review Authority

1. With respect to this development code, the Technical Review Committee may review at the discretion of the Zoning Administrator the following:
 - a. Text amendments;
 - b. Special uses and special use revisions;
 - c. Planned development outline plan amendments;
 - d. Planned development major modifications;
 - e. Planned development minor modifications;
 - f. Planned development final plats;
 - g. Minor preliminary plans;
 - h. Right-of-way vacation;
 - i. Administrative site plans; and
 - j. Special exceptions.

2. With respect to this development code, the Technical Review Committee shall review the following:
 - a. Planned development outline plans;
 - b. Major preliminary plans;
 - c. Resubdivision;
 - d. Right-of-way dedication;
 - e. Street name change; and
 - f. Plat of record vacation.

9.2 SUMMARY OF REVIEW AUTHORITY

9.2.1 Governing Bodies

The City Council retains review and approval or appeal authority within the City limits of Memphis and the Board of Commissioners retains review and approval or appeal authority within unincorporated Shelby County.

9.2.2 Summary of Review Table

		Review, Recommendation, Decision and Approval							
		City or County Engineer	Building Official	Technical Review Committee	Zoning Administrator or	Board of Adjustment	Landmarks Commission	Land Use Control Board	Governing Bodies
	x-ref								
Text Amendment	9.4			Δ	RR			RR	D
Zoning Change	9.5				RR			RR	D
Comprehensive Rezoning	9.5.12				RR			RR	D
Replacement of the Zoning Map	9.5.13				RR			RR	D
Special Uses & Planned Developments:									
Special Uses & Special Use Amendments	9.6 & 9.6.12A			Δ	RR			RR	D*
Special Use Major Modification	9.6.12B			Δ	RR			D	A
Special Use Minor Modification	9.6.12C			Δ	D			A*	
P. D. Outline Plan & Amendments	9.6 & 9.6.11E (1)			R	RR			RR	D*
P. D. Major Modifications	9.6.11E (2)			Δ	RR			D	A
P. D. Minor Modifications	9.6.11E (3)			Δ	D			A*	
P. D. Final Plan	9.6			Δ	D			A*	
P. D. Public Contract	9.6	RR							D
Subdivision:									
Minor Preliminary Plan	9.7.6			Δ	D			A	
Major Preliminary Plan	9.7.7			R	RR			D	A
Resubdivision				R	RR			D	A
Final Plat without Standard Contract	9.7.8			Δ	D			A*	
Final Plat w/Standard Contract	9.7.8	RR							D
Right-of-Way Vacation	9.8			Δ	RR			RR	D
Right-of-Way Dedication	9.9			R	RR			RR	D
Street Name Change	9.10			R	RR			RR	D
Plat of Record Revocation	9.11			R	RR			D	A
Administrative Site Plan	9.12			Δ	D	A**			
Special District Administrative Review	9.13			Δ	D	A**			
Special Exception	9.14			Δ	RR			D	A
Historic District Designation	8.6				RR		RR	RR	D
Certificate of Appropriateness	8.6.3				RR		D		
Historic District (Demolition by Neglect)	8.6.4				D		A*		
Board of Adjustment					RR	D			
Administrative Decision		D	D		D	A**			
Change in Nonconforming Use Permit	10.2.5				RR	D			

D = Decision

D* = Decision but no public hearing unless a request for a hearing is properly filed by an individual who was either present at LUCB and made a vocal objection or who submitted written comments to DPD prior to LUCB.

R = Review

RR = Review & Recommendation

Δ = Review at Discretion of Zoning Administrator

A = Appeal

A* = Only the subject property owner or his or her representative may appeal decisions of the Zoning Administrator, Building Official or City or County Engineer.

A** = Only the subject property owner and those property owners within 1000 feet of the subject property, as measured from property line to property line, may appeal decisions of the Zoning Administrator, Building Official or City or County Engineer.

9.3 COMMON REVIEW PROCEDURES

9.3.1 Pre-Application Conference

- A. The pre-application conference is a meeting in which the Zoning Administrator discusses the procedures, standards and regulations required for approval in accordance with this development code with the applicant.
- B. A mandatory pre-application conference with the Zoning Administrator shall be required for the following:
 - 1. Zoning change;
 - 2. Special use permit;
 - 3. Planned development outline plan;
 - 4. Minor preliminary plan;
 - 5. Major preliminary plan;
 - 6. Right-of-way vacation;
 - 7. Right-of-way dedication;
 - 8. Plat of record;
 - 9. Plat revocation;
 - 10. Historic district designation; and
 - 11. Certificate of Appropriateness.
- C. A pre-application conference is optional for any application not listed in Sub-Section B above.

9.3.2 Neighborhood Notification and Meeting

- A. At least ten days, but not more than 120 days, prior to a hearing before the Land Use Control Board, the applicant shall host and/or attend a neighborhood meeting with representatives from neighborhoods adjacent to the development site which the hearing involves:
 - 1. Zoning change;
 - 2. Special use permit or amendment to a special use permit;
 - 3. Planned development outline plan or amendment to a planned development outline plan; and
 - 4. All subdivisions except minor subdivisions.
- B. Procedure
 - 1. Where applicable, the Division of Planning and Development shall mail notification of the neighborhood meeting prepared and provided by the applicant to the following individuals: 1) the officers of any neighborhood or business associations registered with the City of Memphis Office of Community Affairs whose boundaries include properties within 1,500 feet of the subject property; 2) all current residents of single-family and two-family dwellings within the notification area; 3) all property owners within the notification area, if different from the current residents; 4) the members of the Memphis City Council who represent the district and super-district in which the development is planned, or for areas in unincorporated Shelby County, the member of the Shelby County Board of Commissioners who represent the district in which the development is planned; and 5) all residents of multi-family dwellings within the notification area; to inform the community of the proposed development and solicit comments. If the applicant is unable to make notification to the multi-family dwellings, he or she shall provide notice to the Division of Planning and Development the reason and shall mail notification of the neighborhood meeting to the rental or management office of all multi-family dwellings within the notification area with a request that said rental or management office post the notification in a conspicuous location within a common area(s), including, but not limited to: entry doors, hallways, mailbox areas and laundry rooms.
 - 2. The neighborhood notification requirements shall be the same as the mailed public notice requirements in 9.3.4A. The notification shall identify the time and place of the neighborhood meeting, as well as a description and map of the project. The notification shall also include the public hearing date of when the application will be heard by the Land Use Control Board. The applicant shall contact the officer(s) of any neighborhood or business association registered with the City of Memphis Office of Community Affairs prior to determining a date for the neighborhood meeting.
 - 3. The notification shall be prepared by the applicant and presented to the Division of Planning and Development no later than two working days prior to the date set out in the mailing requirement provided in Paragraph 5 below. The notification shall be folded, sealed and placed in stamped envelopes when presented to the Division of Planning

and Development. The following items shall accompany the notification when presented to the Division of Planning and Development: a copy of the letter to be mailed to all parties, a copy of the address labels to whom notification will be mailed and a map of the notice area.

4. If practicable, the neighborhood meeting shall be held at a public building or place of worship within a one-mile radius of the subject property, or at the subject property itself.
 5. If the notification package is determined to be complete by the Zoning Administrator, the Division of Planning and Development shall mail the notification no later than 20 days prior to the hearing before the Land Use Control Board and no later than 10 days prior to the date of the neighborhood meeting. If the neighborhood notification package is determined to be incomplete by the Zoning Administrator, the application is subject to being considered incomplete and removed from the Land Use Control Board agenda.
 6. Neighborhood meetings are the sole responsibility of the applicant. Documentation of its proceedings shall also be provided to the Division of Planning and Development. The applicant may request neighborhood organizations' contact information, if available, from the Division of Planning and Development.
- C. The purpose of the neighborhood notification and meeting is to inform the neighborhood of the nature of the proposed land use and development features and solicit comments. Applicants shall reserve at least 15 minutes of the neighborhood meeting for community members, businesses and/or neighborhood associations wishing to make a presentation regarding the development.
- D. Any neighborhood or business association registered with the City of Memphis Office of Community Affairs whose boundaries include properties within 1,500 feet of the development area will have the opportunity to submit a Community Impact Statement (CIS). The purpose of the CIS is to provide community members a chance to give an opinion and any recommendation regarding the development project. The CIS shall not exceed 500 words. Neighborhood or business associations who intend to file a CIS must submit said statement to the Land Use Control Board or governing bodies prior to the scheduled hearing. If provided prior to the publishing of the Land Use Control Board staff report, the CIS shall be included within the staff report in a prominent position alongside the Division of Planning and Development recommendation. If provided after the publishing of the Land Use Control Board staff report, the CIS will be referenced during the Land Use Control Board public hearing and contained in the materials that are forwarded to the legislative body, where applicable.
- E. Exigent circumstances. A neighborhood meeting may be conducted through electronic or telephonic means if holding an in-person meeting is impractical due to an ongoing public health crisis or other similar situation that is out of the control of the applicant, provided all notice requirements of this section are met. In addition, a neighborhood meeting may be held after the Land Use Control Board votes on the matter but before the governing body does so in the event the Division of Planning and Development makes a determination that a zoning change is not in compliance with a Chapter 1.9 plan with the publishing of its Land Use Control Board staff report (see Paragraph 9.3.2A(1)). In such an event, all notice and timing requirements of this Section shall still apply, but will be timed in conjunction with date the governing body is expected to vote on the matter.

9.3.3 Application Requirements

A. Initiation of Request

A request for development approval may be initiated in accordance with the following. For the purpose of this Sub-Section, “body” shall mean either the Memphis City Council or the Shelby County Board of Commissioners; “board” shall mean the Land Use Control Board and “staff” shall mean the Chief Administrative Officer of either the City of Memphis or Shelby County, or the Zoning Administrator.

	Agent/ Owner/ Applicant	Body/ Board/ Staff
Text Amendment		■
Zoning Change	■	■
Comprehensive Rezoning		■*
<u>Replacement of the Zoning Map</u>		■*
Special Uses and Planned Developments:		
Special Uses & Special Use Amendments	■	
Special Use Minor Modifications	■	
Special Use Major Modifications	■	
P. D. Outline Plan & Amendments	■	
P. D. Minor Modifications	■	
P. D. Major Modifications	■	
P. D. Final Plan	■	
P. D. Public Contract	■	
Subdivision:		
Minor Preliminary Plan	■	
Major Preliminary Plan	■	
Resubdivision	■	
Final Plat	■	
Public Contract	■	
Right-of-Way Vacation	■	■
Right-of-Way Dedication	■	
Street Name Change	■	■
Plat of Record Revocation	■	■
Administrative Site Plan Review	■	
Special District Administrative Review	■	
Special Exception Review	■	
Temporary Use Review	■	
Tree Removal	■	
Sign Permit	■	
Certificate of Occupancy	■	
Historic District Designation	■	■
Certificate of Appropriateness	■	
Demolition by Neglect		■
Written Interpretations	■	
Administrative Deviation	■	
Variance and Conditional Use Permit	■	
Appeal of Administrative Decision	■	
Change in Nonconforming Use Permit	■	

*Only the body(s) may initiate a request for a comprehensive rezoning or replacement of the zoning map(see Sub-Sections 9.5.12A and 9.5.13A).

B. Submittals

Applications required under this development code shall be filed with the Division of Planning and Development in accordance with the following.

	Zoning Administrator	Building Official
Text Amendment	■	
Zoning Change	■	
Comprehensive Rezoning	■	
<u>Replacement of the Zoning Map</u>	■	
Special Uses and Planned Developments:		
Special Uses & Special Use Amendments	■	
Special Use Minor Modifications	■	
Special Use Major Modifications	■	
P. D. Outline Plan & Amendments	■	
P. D. Minor Modifications	■	
P. D. Major Modifications	■	
P. D. Final Plan	■	
P. D. Public Contract	■	
Subdivision:		
Minor Preliminary Plan	■	
Major Preliminary Plan	■	
Resubdivision	■	
Final Plat	■	
Public Contract	■	
Right-of-Way Vacation	■	
Right-of-Way Dedication	■	
Street Name Change	■	
Plat of Record Revocation	■	
Administrative Site Plan Review	■	
Special District Administrative Review	■	
Special Exception Review	■	
Temporary Use Review		■
Tree Removal	■	
Sign Permit	■	
Certificate of Occupancy		■
Historic District Designation	■	
Certificate of Appropriateness	■	
Demolition by Neglect	■	
Written Interpretations	■	
Administrative Deviation	■	
Variance and Conditional Use Permit	■	
Appeal of Administrative Decision	■	
Change in Nonconforming Use Permit	■	

C. Forms

Applications required under this development code must be submitted on forms and in such numbers as required by the Division of Planning and Development.

D. Fees

Filing fees have been established to defray the cost of processing the application, as listed with the Division of Planning and Development and adopted by the governing bodies. Before review of an application, all filing fees must be paid in full.

E. Completeness Determination

1. All applications must be complete before the Zoning Administrator/Building Official is required to review the application.
2. An application is considered complete when it contains all of the information necessary to decide whether or not the development as proposed will comply with all of the requirements of this development code.
3. The presumption is that all of the information required in the application forms is necessary to satisfy the requirements of this Article. However, it is recognized that each application is unique, and therefore more or less information may be required according to the needs of the particular case. The applicant may rely on the recommendations of the Zoning Administrator/Building Official as to whether more or less information shall be submitted.
4. Once the application has been determined complete, copies of the application shall be referred by the Zoning Administrator/Building Official to the reviewing entities.
5. The Zoning Administrator/Building Official may require an applicant to present evidence of authority to submit the application.

F. Application Deadline

Complete applications shall be submitted in accordance with the published calendar schedule. Schedules indicating submittal dates shall be developed each year and made available to the public.

G. Staff Consultation after Application Submitted

1. Upon receipt of a complete application, within 21 days after the filing deadline, the Zoning Administrator/Building Official shall review the application and confer with the applicant to ensure an understanding of the applicable requirements of this development code; that the applicant has submitted all of the information they intend to submit; and that the application represents precisely and completely what the applicant proposes to do.
2. Once the applicant indicates that the application is as complete as the applicant intends to make it, the application shall be placed on the agenda of the appropriate review board in accordance with standard procedures. However, if the application is determined incomplete, a recommendation to deny the application on that basis shall be provided to the appropriate reviewing entity.

H. Concurrent Applications

Applications may be filed and reviewed concurrently, at the option of the applicant, provided there is not a pending appeal filed by applicant on the subject site (see Paragraph 9.23.1D(1)).

9.3.4 Public Hearings and Notification

A. Required Hearings and Notification

A public hearing shall be required and notification given as set forth below:

	x-ref	Public Hearing					Public Hearing Notice			Public Notice Mailed To			
		Board of Adjustment	Technical Rev. Committee	Landmarks Commission	Land Use Control Board	Governing Bodies	Sign Posted	Mailed	Newspaper Publication	Subject Property	Adjacent Owners ⁴	Owners within 750 Ft. Radius ¹	Neighborhood Associations ⁵
Text Amendment	9.4				PH	PH			LUCB/GB				
Zoning Change & Residential Corridors	9.5 & 8.5				PH	PH	SP	M	GB	■	■	■	■
Comprehensive Rezoning	9.5.12				PH	PH	SP	M	LUCB/GB	■			■
Replacement of the Zoning Map	9.5.13				PH	PH		M ⁹	LUCB/GB	■ ⁹			
Special Uses & Planned Developments:													
Special Uses & Special Use Amendments	9.6 & 9.6.12A				PH	PH-AO	SP	M		■	■	■	■
Special Use Major Modifications	9.6.12B				PH	PH-AO	SP	M		■	■	■	■
Special Use Minor Modifications	9.6.12C				PH-AO			M-AO		■	□		□
P. D. Outline Plan & Amendments	9.6 & 9.6.11E(1)				PH	PH-AO	SP	M		■	■	■	■
P. D. Major Modifications	9.6.11E(2)				PH	PH-AO	SP	M		■	■	■	■
P. D. Minor Modifications	9.6.11E(3)				PH-AO			M-AO		■	□		□
P. D. Final Plan	9.6												
P. D. Public Contract	9.6												
Subdivision:													
Minor Preliminary Plan	9.7.6		PH		PH-AO			M		■	■		■
Major Preliminary Plan	9.7.7				PH	PH-AO		M		■	■		■
Resubdivision					PH	PH-AO		M		■	■	■	■
Final Plat	9.7.8												
Public Contract	9.7.8												
Right-of-Way Vacation													
Conversions	9.8				PH	PH-AO	SP	M		■	■		■
Physical Closures	9.8				PH	PH-AO	SP	M		■	■	■ ⁶	■
Abandonment	9.8				PH	PH-AO		M		■	■		■
Right-of-Way Dedication	9.9				PH	PH-AO		M		■	■		■
Street Name Change	9.10				PH	PH		M		■	■		■
Plat of Record Revocation	9.11				PH	PH-AO		M		■	■		■
Administrative Site Plan	9.12	PH-AO						M-AO		■	□		□
Special Exception	9.14				PH	PH-AO	SP	M		■	■		■
Special District Administrative Review	9.13	PH-AO								■	□ ³		□
Historic District Designation	8.6			PH	PH	PH	SP	M	LM/LUCB/GB	■	■		■
Major Certificate of Appropriateness	8.6.3			PH				M		■	■	■ ⁷	
Historic District (Demolition by Neglect)	8.6.4			PH-AO						□	□		
Non-Use Variance² and Cond. Use Perm.	9.22 & 9.24	PH						M		■	■	■	
Use Variance	9.22	PH					SP ⁸	M		■	■	■	
Board of Adjustment Correspondence	2.4.5, 9.22.9, 9.23.1E(2) & 9.24.10	PH						M		■	■		
Administrative Decision		PH-AO								□			
Change in Nonconforming Use Permit	10.2.5	PH						M		■	■	■	

1. If the 750-foot radius includes less than 25 property owners, the radius shall be extended at 100-foot intervals to reach a minimum of 25 property owners provided, however, that the maximum total radius is 1,500 feet.

2. In the case of setback variation requests less than 5 feet only adjacent property owners shall be notified.

3. Public notice mailed to property owners within a 300-foot radius of the subject property.

4. "Adjacent owners" includes abutting owners and those across the street or other ROW from the subject site.

5. Public Notice to Neighborhood Associations may be mailed or sent via electronic mail.

6. The 750-foot radius shall be measured from the entire segment of the road affected by the closure rather than the area of right-of-way to be vacated. The segment of road affected shall be defined to mean that portion of public right-of-way that contains the proposed closure between the two nearest intersecting streets on either side of the closure.

7. A 150-foot radius is utilized for Certificates of Appropriateness.

8. Sign posting is not required for use variances for single-family residences.

9. See Sub-Section 9.5.13B for the mailed notice requirements applicable to replacements of the zoning map

PH = Public Hearing

PH-AO = Public Hearing Upon Appeal or Objection Only (see Section 9.2.2)

LUCB = Land Use Control Board

GB = Governing Body

SP = Public Hearing Sign Posted

LM = Landmarks Commission

M = Public Hearing Notice Mailed

M-AO = Public Hearing Notice Mailed - Appeal Only

GB-RO = Governing Body Publication for Hearing upon Request Only

P = Sign posted prior to administrative approval

■ = Public Notice Sent To

□ = Public Notice Sent Only On Appeal

B. Published Notice

Where published notice is required, a distinctive advertisement shall be placed by the Zoning Administrator in a local newspaper of general circulation in the City of Memphis and Shelby County not more than 30 or less than ten days prior to the date of the public hearing.

C. Posted Notice (Sign)

1. Sign Size and Type

Each sign shall be two feet by three feet in size made to standards and specifications as provided by the Zoning Administrator. All signs will include language stating that defacing or removal of the sign by anyone other than the owner or his or her agent is an illegal act and the person who defaces or removes the sign without permission of the owner will be penalized. Public notice signs are not subject to any sign permit or sign permit fees.

2. Location

a. Zoning Change, Special Use, Planned Development, Special Exception

Signs shall be posted at the nearest right-of-way with the largest traffic volumes as determined by the Zoning Administrator. Each sign shall be placed no further than five feet from the right-of-way visible from each public street on which the subject property has frontage and placed outside the sight distance triangle. Additional signs may be required to be posted at each major roadway entrance to the development or as otherwise determined to be needed by the Zoning Administrator.

b. Comprehensive Rezoning and Historic District Designation

A sign shall be posted at each major roadway entrance to any area being comprehensively rezoned as determined by the Zoning Administrator.

c. Right-of-Way Vacation

A sign shall be posted at each end of the right-of-way to be vacated.

3. Responsibility for Installation and Removal

- a. The applicant shall be solely responsible for signage installation and removal and associated costs.
- b. Signs shall be erected not more than 30 or less than 10 days prior to the date of the public hearing. Applicants may temporarily remove the signs after each public hearing, provided they reinstall the signs at least 10 days prior to the next public hearing. The applicant shall submit a signed affidavit stating that the signs were installed and the date and posting of the property.
- c. Signs shall be removed within 14 days following final action by the governing bodies.

D. Mailed Notice

1. Where mailed notice is required, notification shall be mailed not more than 45 or less than 20 days prior to the date of the public hearing. Mailed notice shall be provided to all property owners within Shelby County in accordance with the provisions of this Code.
2. All of the neighborhood associations registered with the City of Memphis Office of Community Affairs whose boundaries include properties within 1,500 feet of the subject property shall be provided mailed notice in accordance with Sub-Section 9.3.4A. Notice via electronic mail may substitute for mailed notice.

E. Content of Notice

1. Published or Mailed Notice

Published or mailed notice shall provide at least the following:

- a. A case number;
- b. The address of the subject property (if available);
- c. The general location of the land that is the subject of the application, which may include, a location map
- d. A description of the action requested;
- e. Where a zoning change is proposed, the current and proposed districts;
- f. The time, date and location of the public hearing (or neighbor meeting if applicable);
- g. A phone number and email address to contact the Zoning Administrator; and

- h. A statement that interested parties may appear at the public hearing.

2. Posted Notice

Required posted notice shall indicate the following:

- a. A case number;
- b. Type of action; and
- c. A phone number to contact the Zoning Administrator; and
- d. All signs shall include language stating that defacing or removal of the sign by anyone other than the owner or his agent is an illegal act and the person who defaces or removes the sign without permission of the owner will be penalized.

F. Constructive Notice

- 1. Minor defects in notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements.
- 2. Undelivered mailed notice in excess of 25% of total required mailing within a 750-foot radius of the property only, shall constitute failed notice and shall serve to invalidate proceedings unless sufficient notice is provided in accordance with this section.

9.3.5 Notice of Decision

Within seven days after a decision is made, a copy of the decision shall be sent to the applicant and filed with the Zoning Administrator, where it shall be available for public inspection during regular office hours.

9.3.6 Withdrawal of Application

- A. An applicant may withdraw an application at any time, by filing a statement of withdrawal with the Zoning Administrator/Building Official except as provided in paragraph C below.
- B. The statement of withdrawal shall be in writing and may be delivered by hand, through mail or electronically.
- C. If a valid zoning protest petition has been filed, the application may be withdrawn only if the statement of withdrawal is filed no later than five days prior to the date of the public hearing upon which the matter is to be returned for action by the governing bodies. Thereafter, the application may be withdrawn only by action of the governing bodies, by majority vote.

The Zoning Administrator/Building Official may withdraw applications due to the failure of the applicant to submit required information within 90 days of the initial request.

NOTE- Skip to Section 9.5.13 (pg. 454). No changes proposed to text for Chapter 9.4.

NOTE- The below is a new Section to be inserted after existing Section 9.5.12

9.5.13 Replacement of the Zoning Map

A. Purpose and Intent

The governing bodies may from time to time repeal and completely replace the zoning map in order to make necessary and appropriate revisions. In so doing, consideration will be given to the character of the areas, suitability of particular uses, protecting natural areas, conservation and protection of aesthetics, conserving the value of buildings and communities, and encouraging the most appropriate use of land throughout the City and County. These procedures shall further the protection of the health, safety and general welfare of the citizens of the City and County. Only the legislative bodies may initiate a repeal and complete replacement of the zoning map. Repeal and complete replacement of the map shall be accomplished by majority vote.

B. Mailed Notice

1. Replacements of the zoning map shall be subject to only the mailed notice requirements of this Sub-Section
2. Not more than 45 or less than 20 days prior to the date of the Land Use Control Board hearing, the Zoning Administrator shall issue a mailed notice to the owners of all properties within Memphis and unincorporated Shelby County. The notice shall contain the following information:
 - a. The current zoning district of the subject property
 - b. The proposed zoning district of the subject property
 - c. Information on how the recipient may review the proposed map in its entirety
 - d. The time, date, and location of the Land Use Control Board public hearing
 - e. A statement that interested parties may appear at the public hearing
 - f. A statement that that the proposed zoning district is subject to change prior to the final decision of the governing body
 - g. A statement that the Land Use Control Board will be making a recommendation on the proposed map at the public hearing, with a final decision to be made by the appropriate governing body
 - h. Notice that the governing body will then meet for a final decision, including citation to or location where the governing body's agenda may be found
3. For the purposes of this Sub-Section, "owner" shall mean the owner of record according to the most recent tax roll published by the County Assessor of Property.
4. For the purposes of mailed notice, the current and proposed zoning district for each property shall be those in which the property's centroid lies. The Zoning Administrator need not issue multiple notices for split-zoned properties.
5. Minor defects in notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with the applicable notice requirements.



RESOLUTION approving **Supplemental Agreement #1** for:
SEFL Memphis (E. Holmes) [CR#5471]
and accepting Bond as security

WHEREAS, **Southeastern Freight Lines, Inc.**, is the Developer of a certain property within the present limits of the City of Memphis, located at 3525, 3565, 3569 East Holmes Road, adjacent to Holmescrest Lane in Memphis, Tennessee.

and

WHEREAS, the developer desires to develop the property reflected on the engineering plans;

and

WHEREAS, attached hereto is Supplemental Agreement #1 to the standard improvement contract, **SEFL Memphis (East Holmes Road [CR#5471])**, entered into agreement on February 04, 2025 by and between **SEFL Memphis (East Holmes Road)** and the City of Memphis, covering the revisions in public improvements as a part of developing the property, and extending existing contract to January 17, 2028;

and

BE IT FURTHER RESOLVED that the proper official be and are hereby authorized to accept the continuation of **Performance Bond No. 108150001** in the amount of **\$ 301,400.00**, as security.

WHEREAS, the terms and conditions of the contract are in accordance with the policies of the City of Memphis for developing such a project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the **Supplemental Agreement #1** for **SEFL Memphis (E. Holmes) [CR#5471]** is hereby approved.



RESOLUTION approving the Engineering plans for:
SEFL Memphis (E. Holmes Road)
and accepting Bond as security

WHEREAS, **Southeastern Freight Lines, Inc.**, is the Developer of a certain property within the present limits of the City of Memphis, as shown on the engineering plans, located at 3525, 3565, 3569 East Holmes Road adjacent to Holmescrest Lane, in Memphis, Tennessee.

and

WHEREAS, the developer desires to develop the property reflected on the engineering plans;
and

WHEREAS, attached hereto is a standard improvement contract entered into by and between **Southeastern Freight Lines, Inc.**, and the City of Memphis covering the public improvements as a part of developing the property; and

WHEREAS, the terms and conditions of the contract are in accordance with the policies of the City of Memphis for developing such a project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the engineering plans for **SEFL Memphis (East Holmes Road)** is hereby approved.

BE IT FURTHER RESOLVED, that the proper official be and are hereby authorized to execute the attached standard improvement contract, accepting Travelers Casualty and Surety Company of America **Performance Bond No. 108150001**, in the amount of \$ **301,400.00**, as project security.

CR#5471

I hereby certify that the foregoing is a true copy
and document was adopted, approved by the
Council of the City of Memphis in regular
session on

Date FEB 04 2025

Valerie C. Snipes
Deputy Comptroller-Council Records

Eng
#12

RESOLUTION SUMMARY

- 1. Short Title Description – Contract No. 12540 (*solicited under Contract No. 12512*) – Master Paving Program – Section 2**
- 2. Requested Funding – \$1,000,000.00**
- 3. Award Duration – Increase (December 9, 2025 through December 8, 2026)**
- 4. Type of Bid – Sealed Bid**
- 5. Awarded To – VuCon, LLC**
- 6. Plain Language Description – The project scope is to provide all labor, technical skills, tools, materials, and equipment necessary for the milling and paving repairs, paving approximately 50 miles of single-lane paving.**
- 7. Impact – This change is to continue working on the single lane asphalt paving for lead service replacement jobs throughout Memphis and Shelby County, Tennessee. This will reduce the amount of time that patches remain in the city streets as well as allow MLGW to complete the paving prior to winter weather and asphalt plant shutdown.**

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of July 1, 2026 approved Increase (*Change No. 3*) to Contract No. 12540 (*solicited under Contract No. 12512*), Master Paving Program – Section 2 with VuCon, LLC to increase the current contract in the funded amount of \$1,000,000.00, and is now recommending to the Council of the City of Memphis that it approves said increase as approved; and

WHEREAS, the project scope is to provide all labor, technical skills, tools, materials, and equipment necessary for the milling and paving repairs, paving approximately 50 miles of single-lane paving. The contract award was selected based on the lowest and best bid using the Sealed Bid process; and

WHEREAS, this change is to increase the current contract value in the amount of \$1,000,000.00 with no increase in rates to continue working on the single lane asphalt paving for lead service replacement jobs throughout Memphis and Shelby County, Tennessee. This will reduce the amount of time that patches remain in the city streets as well as allow MLGW to complete the paving prior to winter weather and asphalt plant shutdown. The term of the contract will remain through December 8, 2026. This increase complies with all applicable laws and policies. The new contract value is \$16,588,277.69; and

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis, that there be and is hereby approved Increase (*Change No. 3*) to Contract No. 12540 (*solicited under Contract No. 12512*), Master Paving Program – Section 2 with VuCon, LLC to increase the current contract in the funded amount of \$1,000,000.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
July 1, 2026

The Director of Procurement and Contracts & Strategic Sourcing recommends to the Board of Light, Gas and Water Commissioners the approval of Increase (*Change No. 3*) to Contract No. 12540 (*solicited under Contract No. 12512*), Master Paving Program – Section 2 with VuCon, LLC to increase the current contract in the funded amount of \$1,000,000.00.

The project scope is to provide all labor, technical skills, tools, materials, and equipment necessary for the milling and paving repairs, paving approximately 50 miles of single-lane paving. The contract award was selected based on the lowest and best bid using the Sealed Bid process.

This change is to increase the current contract value in the amount of \$1,000,000.00 with no increase in rates to continue working on the single lane asphalt paving for lead service replacement jobs throughout Memphis and Shelby County, Tennessee. This will reduce the amount of time that patches remain in the city streets as well as allow MLGW to complete the paving prior to winter weather and asphalt plant shutdown. The term of the contract will remain through December 8, 2026. This increase complies with all applicable laws and policies. The new contract value is \$16,588,277.69.

NOW THEREFORE BE IT RESOLVED BY the Board of Light, Gas and Water Commissioners:

THAT, Subject to the consent and approval of the Council of the City of Memphis, the approval of Increase (*Change No. 3*) to Contract No. 12540 (*solicited under Contract No. 12512*), Master Paving Program – Section 2 with VuCon, LLC to increase the current contract in the funded amount of \$1,000,000.00, as outlined in the foregoing preamble, is approved and further,

THAT, the President, or his designated representative, is authorized to execute the Increase.

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular meeting held on 1st day of July, 2026, at which a quorum was present.

DocuSigned by:

Rodney Clerk

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VP, CFO & Secretary - Treasurer

RESOLUTION SUMMARY

- 1. Short Title Description – Contract No. 12512 – Master Paving Program – Sections 1 and 3**
- 2. Requested Funding – \$5,000,000.00**
- 3. Award Duration – Increase (December 2, 2025 through December 1, 2026)**
- 4. Type of Bid – Sealed Bid**
- 5. Awarded To – Lehman-Roberts Company**
- 6. Plain Language Description – This contract is to supply excavation patches asphalt milling and paving services for MLGW jobs in the City of Memphis (COM) to meet paving requirements.**
- 7. Impact – This change is to continue working on the patch asphalt paving for jobs throughout Memphis and Shelby County, Tennessee. This will reduce the amount of time that patches remain in the city streets as well as allow MLGW to complete the paving prior to winter weather and asphalt plant shutdown.**

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of July 1, 2026 approved Increase (*Change No. 2*) to Contract No. 12512, Master Paving Program - Sections 1 and 3 with Lehman-Roberts Company to increase the current contract in the funded amount of \$5,000.000.00, and is now recommending to the Council of the City of Memphis that it approves said increase as approved; and

WHEREAS, the project scope is to provide all labor, technical skills, tools, materials, and equipment necessary for the milling and paving repairs, paving of approximately 4,100 excavation patches. The Contractor is responsible for set up, operation and take down of all equipment used during the execution of Work. The contract award was selected based on the lowest and best bid using the Sealed Bid process; and

WHEREAS, this change is to increase the current contract value in the amount of \$5,000.000.00 with no increase in rates, to continue working on the patch asphalt paving for all jobs in the City of Memphis. This will reduce the amount of time that patches remain in the city streets and allow MLGW to complete the paving prior to winter weather and asphalt plant shutdown. The term of the contract will remain through December 1, 2026. This increase complies with all applicable laws and policies. The new contract value is \$24,719,726.40; and

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis, that there be and is hereby approved Increase (*Change No. 2*) to Contract No. 12512, Master Paving Program - Sections 1 and 3 with Lehman-Roberts Company to ratify and renew the current contract in the funded amount of \$5,000.000.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
July 1, 2026

The Director of Procurement and Contracts & Strategic Sourcing recommends to the Board of Light, Gas and Water Commissioners the approval of Increase (*Change No. 2*) to Contract No. 12512, Master Paving Program - Sections 1 and 3 with Lehman-Roberts Company to increase the current contract in the funded amount of \$5,000,000.00.

The project scope is to provide all labor, technical skills, tools, materials, and equipment necessary for the milling and paving repairs, paving of approximately 4,100 excavation patches. The Contractor is responsible for set up, operation and take down of all equipment used during the execution of Work. The contract award was selected based on the lowest and best bid using the Sealed Bid process.

This change is to increase the current contract value in the amount of \$5,000,000.00 with no increase in rates to continue working on the patch asphalt paving for all jobs in the City of Memphis. This will reduce the amount of time that patches remain in the city streets and allow MLGW to complete the paving prior to winter weather and asphalt plant shutdown. The term of the contract will remain through December 1, 2026. This increase complies with all applicable laws and policies. The new contract value is \$24,719,726.40.

NOW THEREFORE BE IT RESOLVED BY the Board of Light, Gas and Water Commissioners:

THAT, Subject to the consent and approval of the Council of the City of Memphis, the approval of Increase (*Change No. 2*) to Contract No. 12512, Master Paving Program - Sections 1 and 3 with Lehman-Roberts Company to increase the current contract in the funded amount of \$5,000,000.00, as outlined in the foregoing preamble, is approved and further,

THAT, the President, or his designated representative, is authorized to execute the Increase.

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular meeting held on 1st day of July, 2026, at which a quorum was present.

DocuSigned by:



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VP, CFO & Secretary - Treasurer

RESOLUTION SUMMARY

- 1. Short title description – Contract No. 12595 – LNG Storage Tank Painting**
- 2. Funded Amount - \$3,167,560.00 (\$2,879,600.00 bid amount plus \$287,960.00 in contingency)**
- 3. Award Duration – Two (2) years from the date of the Notice to Proceed**
- 4. Type of Bid – Sealed Bid**
- 5. Awarded to – Viking Painting, LLC**
- 6. Plain Language Description – This contract is to hire a Contractor to provide all labor, materials, equipment, transportation, preparation and construction services to paint the large LNG storage tank at MLGW's Capleville LNG Plant per the contract specifications.**
- 7. Impact – Tennessee Public Utility Commission (TPUC) is requiring the LNG storage tank be painted. This contract hires the contractor to perform that work.**

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of July 1, 2026 awarded Contract No. 12595, LNG Storage Tank Painting to Viking Painting, LLC in the funded amount of \$3,167,560.00 and is now recommending to the Council of the City of Memphis that it approves said award as approved; and

WHEREAS, the project scope is to furnish all required supervision, labor, materials, transportation, equipment, chemicals, and tools necessary for the surface preparation, coatings, and inspections to paint all exterior steel surfaces of MLGW's Capleville LNG Storage Tank located at 5101 E. Holmes Road, Memphis, TN 38118, using TNEMEC Company products only; and

WHEREAS, the Notice to Bidders was advertised using MLGW's Online Bid Notification System, the Daily Memphian, and the Memphis Daily News on December 22, 2025. MLGW solicited seven (7) bidders; of which, six (6) Contractors attended the Mandatory Site Visit held on January 9, 2026 and were deemed qualified to bid on the project. Three (3) bids were received on March 17, 2026. The best bid received was from Viking Painting, LLC in the funded amount of \$2,879,600.00. MLGW is requesting contingency funds in the amount of \$287,960.00 for any unforeseen circumstances that may occur. The total funded amount of this award is \$3,167,560.00. The term of this contract is two (2) years from the date of the Notice to Proceed. This award complies with all applicable laws and policies; and

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis, that there be and is hereby approved an award of Contract No. 12595, LNG Storage Tank Painting to Viking Painting, LLC in the funded amount of \$3,167,560.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
July 1, 2026

The Director of Procurement and Contracts & Strategic Sourcing recommends to the Board of Light, Gas and Water Commissioners that it awards Contract No. 12595, LNG Storage Tank Painting to Viking Painting, LLC in the funded amount of \$3,167,560.00.

The project scope is to furnish all required supervision, labor, materials, transportation, equipment, chemicals, and tools necessary for the surface preparation, coatings, and inspections to paint all exterior steel surfaces of MLGW's Capleville LNG Storage Tank located at 5101 E. Holmes Road, Memphis, TN 38118, using TNEMEC Company products only.

The Notice to Bidders was advertised using MLGW's Online Bid Notification System, the Daily Memphian, and the Memphis Daily News on December 22, 2025. MLGW solicited seven (7) bidders; of which, six (6) Contractors attended the Mandatory Site Visit held on January 9, 2026 and were deemed qualified to bid on the project. Three (3) bids were received on March 17, 2026. The best bid received was from Viking Painting, LLC in the funded amount of \$2,879,600.00. MLGW is requesting contingency funds in the amount of \$287,960.00 for any unforeseen circumstances that may occur. The total funded amount of this award is \$3,167,560.00. The term of this contract is two (2) years from the date of the Notice to Proceed. This award complies with all applicable laws and policies.

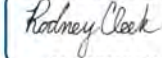
NOW THEREFORE BE IT RESOLVED BY the Board of Light, Gas and Water Commissioners:

THAT, the award of Contract No. 12595, LNG Storage Tank Painting to Viking Painting, LLC in the funded amount of \$3,167,560.00, as outlined in the foregoing preamble, is approved and further,

THAT, the President, or his designated representative is authorized to execute the Award.

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular meeting held on 1st day of July, 2026, at which a quorum was present.

DocuSigned by:



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VP, CFO & Secretary - Treasurer

RESOLUTION SUMMARY

1. Short Title Description – Contract No. 12390 - Project Portfolio Management Software Tool Acquisition

This is the fourth renewal of a 4-year contract for a project portfolio management tool used within the IS Division.

2. Funded Amount - \$196,859.40

3. Renewal Period – Fourth of four (4) annual renewals (August 1, 2026, through July 31, 2027)

4. Product Selection Mechanism – Request for Proposal (RFP)

5. Vendor – WorkOtter, Inc.

6. LSB/MWBE Goal Assigned/Committed – N/A

7. Plain Language Description – The WorkOtter project portfolio tool provides leadership with a comprehensive, real-time view of Information Services' initiatives, enabling assessment of project status, resource utilization, and alignment with strategic organizational goals.

8. Impact – The WorkOtter project portfolio management tool strengthens governance by ensuring that Information Services' initiatives are executed in compliance with established oversight requirements and are prioritized in accordance with the Senior - Level Oversight Committee's approvals.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of July 1, 2026 approved the Ratification, Increase and Renewal (*Change No. 4*) to Contract No. 12390, Project Portfolio Management Software Tool Acquisition with WorkOtter, Inc. to ratify, increase the contract amount, and renew the current contract in the funded amount of \$196,859.40, and is now recommending to the Council of the City of Memphis that it approves said ratification, increase and renewal as approved; and

WHEREAS, the project scope is to provide software solutions and support project, program, and portfolio management in a centralized solution with associated workflows for approval by the Information Technology Oversight Committee and/or members of our Senior Leadership Council. The contract award was based on the Request for Proposal (RFP) evaluation process; and

WHEREAS, this change is to ratify, increase the contract amount, and renew the current contract for the fourth of four (4) annual renewal terms covering the period of August 1, 2026 through July 31, 2027 in the amount of \$196,859.40 with no increase in rates from the previous term. This ratification, increase and renewal complies with all applicable laws and policies. The new contract value is

\$625,637.60; and

NOW THEREFORE BE IT RESOLVED BY the Council of the City of Memphis, that there be and is hereby approved the Ratification, Increase and Renewal (*Change No. 4*) to Contract No. 12390, Project Portfolio Management Software Tool Acquisition with WorkOtter, Inc. to ratify, increase the contract amount, and renew the current contract in the funded amount of \$196,859.40 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
July 1, 2026

The Director of Procurement and Contracts & Strategic Sourcing recommends to the Board of Light, Gas, and Water Commissioners the approval of the Ratification, Increase and Renewal (*Change No. 4*) to Contract No. 12390, Project Portfolio Management Software Tool Acquisition with WorkOtter, Inc. to ratify, increase the contract amount, and renew the current contract in the funded amount of \$196,859.40.

The project scope is to provide software solutions and support project, program, and portfolio management in a centralized solution with associated workflows for approval by the Information Technology Oversight Committee and/or members of our Senior Leadership Council. The contract award was based on the Request for Proposal (RFP) evaluation process.

This change is to ratify, increase the contract amount, and renew the current contract for the fourth of four (4) annual renewal terms covering the period of August 1, 2026 through July 31, 2027 in the amount of \$196,859.40 with no increase in rates from the previous term. This ratification, increase and renewal complies with all applicable laws and policies. The new contract value is \$625,637.60

NOW THEREFORE BE IT RESOLVED BY the Board of Light, Gas and Water Commissioners:

THAT, Subject to the consent and approval of the Council of the City of Memphis, the approval of the Ratification, Increase and Renewal (*Change No. 4*) to Contract No. 12390, Project Portfolio Management Software Tool Acquisition with WorkOtter, Inc. to ratify, increase the contract amount, and renew the current contract in the funded amount of \$196,859.40 as outlined in the foregoing preamble, is approved and further,

THAT, the President, or his designated representative is authorized to execute the Ratification, Increase and Renewal.

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular meeting held on 1st day of July, 2026, at which a quorum was present.

DocuSigned by:

Rodney Creek

C84E2E63D610415

VP, CFO & Secretary - Treasurer

RESOLUTION SUMMARY

- 1. Short Title Description – Contract No. 12638 - North Service Center Building 5 Roof Replacement**
- 2. Requested Funding – \$558,242.30 (\$507,493.00 bid amount plus \$50,749.30 in contingency funds)**
- 3. Award Duration – One (1) year from the date of the Notice to Proceed**
- 4. Type of Bid – Sealed bid**
- 5. Awarded To – B Four Plied, Inc.**
- 6. Plain Language Description – This contract is to remove, demolish, and replace the existing roof on MLGW's North Service Center Building 5 located at 1060 Tupelo St., Memphis, TN 38108.**
- 7. Impact – This contract will help to provide building roof maintenance to ensure the integrity of the building and assets.**

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of July 1, 2026 awarded Contract No. 12638, North Service Center Building 5 Roof Replacement to B Four Plied, Inc., in the funded amount of \$558,242.30 and is now recommending to the Council of the City of Memphis that it approves said award as approved; and

WHEREAS the project scope is to provide supervision, labor, transportation, equipment, and materials to remove, demolish, and replace the existing roof on MLGW's North Service Center Building 5 located at 1060 Tupelo Street, Memphis, TN 38108,

The Notice to Bidders was advertised using Memphis Daily News and the Daily Memphian on March 6, 2026. MLGW solicited eight (8) bidders; of which, five (5) Contractors attended the Mandatory Site Visit held on March 18, 2026. Of the five (5) Contractors, two (2) submitted qualifications and were deemed qualified to bid on the project. Two (2) bids were received on April 28, 2026. The lowest and best bid received was from B Four Plied, Inc. in the funded amount of \$507,493.00. MLGW is also requesting contingency funds for any unforeseen conditions in the amount of \$50,749.30. The total amount for the award is \$558,242.30. The term of this contract is one (1) year from the date of the Notice to Proceed. This award complies with all applicable laws and policies; and

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis, that there be and is hereby approved an award of Contract No. 12638, North Service Center Building 5 Roof Replacement to B Four Plie, Inc., in the funded amount of \$558,242.30 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
July 1, 2026

The Director of Procurement and Contracts & Strategic Sourcing recommends to the Board of Light, Gas and Water Commissioners that it awards Contract No. 12638, North Service Center Building 5 Roof Replacement to B Four Plied, Inc. in the funded amount of \$558,242.30.

The project scope is to provide supervision, labor, transportation, equipment, and materials to remove, demolish, and replace the existing roof on MLGW's North Service Center Building 5 located at 1060 Tupelo Street, Memphis, TN 38108.

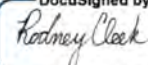
The Notice to Bidders was advertised using Memphis Daily News and the Daily Memphian on March 6, 2026. MLGW solicited eight (8) bidders; of which, five (5) Contractors attended the Mandatory Site Visit held on March 18, 2026. Of the five (5) Contractors, two (2) submitted qualifications and were deemed qualified to bid on the project. Two (2) bids were received on April 28, 2026. The lowest and best bid received was from B Four Plied, Inc. in the funded amount of \$507,493.00. MLGW is also requesting contingency funds for any unforeseen conditions in the amount of \$50,749.30. The total amount for the award is \$558,242.30. The term of this contract is one (1) year from the date of the Notice to Proceed. This award complies with all applicable laws and policies.

NOW THEREFORE BE IT RESOLVED BY the Board of Light, Gas and Water Commissioners:

THAT, Subject to the consent and approval of the Council of the City of Memphis, the Contract No. 12638, North Service Center Building 5 Roof Replacement to B Four Plie, Inc. in the funded amount of \$558,242.30, as outlined in the foregoing preamble, is approved and further,

THAT, the President, or his designated representative is authorized to execute the Award.

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular meeting held on 1st day of July, 2026, at which a quorum was present.

DocuSigned by:


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VP, CFO & Secretary - Treasurer

RESOLUTION SUMMARY

- 1. Short Title Description – Contract No. 12654 - Samsara Telematics**
- 2. Requested Funding – \$4,645,462.80 (proposal amount of \$4,223,148.00 plus \$422,314.80 in contingency funds)**
- 3. Award Duration – 60 months from the date of the Notice to Proceed**
- 4. Type of Bid – Single Source Award Ratification**
- 5. Awarded To – Samsara, Inc.**
- 6. Plain Language Description – Samsara provides a cloud-based platform that helps organizations monitor and manage vehicles, equipment, and field operations. The service uses GPS tracking, vehicle telematics, dash cameras, and operational data to provide real-time visibility into fleet activities, driver performance, vehicle health, equipment utilization, and safety-related events. The platform helps improve safety, operational efficiency, asset management, regulatory compliance, and decision-making through data analytics, reporting, and automated alerts.**
- 7. Impact – Implementation of the Samsara platform will enhance fleet safety, improve operational visibility, increase accountability, and provide actionable data to support more efficient management of MLGW vehicles and equipment. The system may also help reduce liability exposure by supporting incident investigations, exonerating employees when they are not at fault, and strengthening the utility's ability to defend against claims.**

RESOLUTION

WHEREAS, the Board of Light, Gas, and Water Commissioners in their meeting of July 1, 2026 ratified the award of Contract No. 12654, Samsara Telematics to Samsara, Inc. in the funded not-to-exceed amount of \$4,645,462.80, and is now recommending to the Council of the City of Memphis that it approves said award ratification as approved; and

WHEREAS, the project scope is to allow Samsara, Inc., as a single source provider, to furnish supervision, labor, transportation, equipment and materials to provide annual license for dual-facing camera, vehicle gateways, hardware, accessories and third-party services; and

WHEREAS, MLGW purchased a license through Samsara, Inc., as a single source provider, to provide a cloud-based platform that helps organizations monitor and manage vehicles, equipment, and field operations in the amount of \$4,223,148.00. The service uses GPS tracking, vehicle telematics, dash cameras, and operational data to provide real-time visibility into fleet activities, driver performance, vehicle health, equipment utilization, and safety-related events. The platform helps improve safety, operational efficiency, asset management, regulatory compliance, and decision-making through data analytics, reporting, and automated alerts. MLGW is also requesting contingency funds in the amount of \$422,314.80 to provide flexibility for the potential acquisition of additional Samsara hardware, software licenses, services, or related equipment that may be identified during implementation of the program. The total funded amount of this award ratification is \$4,645,462.80. This contract is for a term of 60 months from the date of the Notice to Proceed. This single source award ratification complies with all applicable laws and policies.; and

NOW THEREFORE BE IT RESOLVED BY THE Council of the City of Memphis, that there be and is hereby approved an award ratification of Contract No. 12654, Samsara Telematics to Samsara, Inc. in the funded not-to-exceed amount of \$4,645,462.80 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
July 1, 2026

The Director of Procurement and Contracts & Strategic Sourcing recommends to the Board of Light, Gas, and Water Commissioners that it ratify the award of Contract No. 12654, Samsara Telematics to Samsara, Inc. in the funded not-to-exceed amount of \$4,645,462.80.

The project scope is to allow Samsara, Inc., as a single source provider, to furnish supervision, labor, transportation, equipment and materials to provide annual license for dual-facing camera, vehicle gateways, hardware, accessories and third-party services.

MLGW purchased a license through Samsara, Inc., as a single source provider, to provide a cloud-based platform that helps organizations monitor and manage vehicles, equipment, and field operations in the amount of \$4,223,148.00. The service uses GPS tracking, vehicle telematics, dash cameras, and operational data to provide real-time visibility into fleet activities, driver performance, vehicle health, equipment utilization, and safety-related events. The platform helps improve safety, operational efficiency, asset management, regulatory compliance, and decision-making through data analytics, reporting, and automated alerts. MLGW is also requesting contingency funds in the amount of \$422,314.80 to provide flexibility for the potential acquisition of additional Samsara hardware, software licenses, services, or related equipment that may be identified during implementation of the program. The total funded amount of this award ratification is \$4,645,462.80. This contract is for a term of 60 months from the date of the Notice to Proceed. This single source award ratification complies with all applicable laws and policies.

NOW THEREFORE BE IT RESOLVED BY the Board of Light, Gas and Water Commissioners:

THAT, Subject to the consent and approval of the Council of the City of Memphis, the Award Ratification of Contract No. 12654, Samsara Telematics to Samsara, Inc. in the funded not-to-exceed amount of \$4,645,462.80, as outlined in the above preamble, is approved; and further

THAT, the President or his designated representative is authorized to execute the Award Ratification.

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular meeting held on 1st day of July, 2026, at which a quorum was present.

DocuSigned by:

Rodney Clerk

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VP, CFO & Secretary - Treasurer

05.28.2026

**An Ordinance to Amend
Chapter 25—Pension and Retirement System
of the City of Memphis, Tennessee**

WHEREAS, the City of Memphis, Tennessee (the "Employer") has adopted a defined benefit retirement plan known as City of Memphis Retirement System for General Employees, including police officers and firefighters, as subsequently amended and restated from time to time, and consisting of a 1948 plan (that part of the plan benefiting employees participating under the provisions of sections 4-25-60 through 4-25-99) and a 1978 plan (that part of the plan benefiting employees participating under the provisions of sections 4-25-160 through 4-25-199), as amended in 2012, and a 2016 plan (that part of the plan benefiting employees participating under the provisions of sections through 4-25-210 through 4-25-274), currently codified and established under City Ordinance Chapter 25, Articles I through VII, Division 1 and Division 2 and Division 3 (collectively, "the Pension System"); and

WHEREAS, the Employer desires to amend the Pension System as provided herein,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MEMPHIS that the Pension and Retirement System of the City of Memphis be amended as follows:

1. Section 4-25-1 *References, construction and definitions*, subsection (A) Item (1) *Accrued benefit*, subsection (a) shall be amended and restated in its entirety to read as follows:
 1. *Accrued benefit* means:
 - a. i. As of any date, for each participant hired prior to July 1, 2012, including a police officer or firefighter retiring prior to July 1, 2026, a monthly benefit amount payable semi-monthly in the form of a single life annuity, equal to two and one-fourth percent of his or her average monthly compensation multiplied by the number of years of service completed before January 1, 1990, plus two and one-half percent of his or her average monthly compensation multiplied by the number of years of service completed after January 1, 1990; provided, however, that when a participant's years of service equals 25 years, such participant shall accrue an additional one percent of his or her average monthly compensation for each year of service in excess of 25 years for a maximum of ten years; provided, however, if after 35 years of service the total percentage of his or her average monthly compensation is less than 72.5 percent, such participant shall accrue an additional one percent of his or her average monthly compensation for each year of service in excess of 35 years earned after January 1, 1990, until such total percentage shall equal 72.5 percent; or
 - ii. As of any date, for each participant that is hired on or after July 1, 2012, including a police officer or firefighter retiring prior to July 1, 2026, a monthly benefit amount payable semi-monthly in the form of a single life annuity, equal to two and one-fourth percent of his or her average monthly compensation multiplied by the number of years of service completed after July 1, 2012; provided, however, that when such

participant's years of service equals 25 years, such participant shall accrue an additional one percent of his or her average monthly compensation for each year of service in excess of 25 years for a maximum of ten years; provided, however, if after 35 years of service the total percentage of his or her average monthly compensation is less than 72.5 percent, such participant shall accrue an additional one percent of his or her average monthly compensation for each year of service in excess of 35 years earned; or

iii. As of any date, for each participant who is a police officer or firefighter retiring on or after July 1, 2026, a monthly benefit amount payable semi-monthly in the form of a single life annuity, equal to two and one-fourth percent of his or her average monthly compensation multiplied by the number of years of service completed before January 1, 1990, plus two and one-half percent of his or her average monthly compensation multiplied by the number of years of service completed after January 1, 1990; provided, however, that when a participant's years of service equals 25 years, such participant shall accrue an additional one percent of his or her average monthly compensation for each year of service in excess of 25 years for a maximum of ten years; provided, however, if after 35 years of service the total percentage of his or her average monthly compensation is less than 72.5 percent, such participant shall accrue an additional one percent of his or her average monthly compensation for each year of service in excess of 35 years earned after January 1, 1990, until such total percentage shall equal 72.5 percent.

As required by T.C.A. §9-3-506(a)(3) and the Comptroller of the State of Tennessee, the increase provided in this subsection (iii) for police officers and firefighters shall be funded by and only to the extent of the available funds allocated for the cost of pension benefits of police officers and firefighters in the Special Revenue Fund created pursuant to the referendum passed October 3, 2019 increasing the sales and use tax in the City of Memphis by 0.5% from 2.25% to 2.75% to restore pension benefits of public safety employees from and after the date of such referendum. In the event the cost of the increase provided in this subsection (iii) exceeds the amount allocated in the Special Revenue Fund for the cost of the pension benefits for public safety employees in the 1978 Plan, then the following steps shall automatically apply in determining the pension benefit of such eligible public safety employees for such Plan Year:

1. The accrual rate of 2.50% provided in this subsection (iii) for the pension benefit of these employees for such Plan Year will be reduced from 2.50% in ten basis point increments, to such lesser accrual rate (but not below the accrual rate provided in subsections (i) and (ii) above, as applicable) as is necessary so that the costs of benefits for these police officers and firefighters does not exceed the amount allocated in the Special Revenue Fund for the cost of the pension benefits for public safety employees in the 1978 Plan. The adjustment provided above shall be effective as of July 1 next following the determination of the cost of benefits and shall not reduce the accrued pension benefit of any such eligible police officer or firefighter accrued immediately prior to the effective date of the adjustment.

05.28.2026

2. Section 4-25-1(22) *Handicapped child* shall be amended and restated in its entirety to read as follows:

Handicapped child shall mean "disabled child" as defined in 4-25-1(6)(b).

3. Section 4-25-1(A)(30) *Normal retirement date*, subsection (c) *1978 Plan for participants hired on or after July 1, 2012*, subsection (ii) *Police officers and firefighters* shall be amended and restated in its entirety to provide as follows:

ii. Police officers and firefighters:

- (1) Effective for police officers and firefighters retiring prior to July 1, 2026, the first day of the month coincident with or next following earliest date on which the participant:

Attains:

- (A) Age 55 and ten years of service; or
- (B) Twenty-five years of service and submits a written election designating the date he or she will retire not less than 30 days before such designated date. Said participant shall be entitled to receive a retirement benefit equal to his or her accrued benefit reduced by five percent per year for each year that his or her early retirement date precedes the date the participant will attain age 52.

- (2) Effective for police officers and firefighters retiring on or after July 1, 2026, the first day of the month coincident with or next following earliest date on which the participant:

Attains:

- (A) Age 55 and ten years of service; or
- (B) Twenty-five years of service and submits a written election designating the date he or she will retire not less than 30 days before such designated date.

4. Section 4-25-83 *Deferred retirement benefit* subsections (A) and (C) shall be amended to change the term "deferred retirement benefit" to "deferred vested benefit." The heading to Section 4-25-83 shall be changed from "Deferred retirement benefit" to "Deferred vested benefit."
5. Section 4-25-183 *Deferred retirement benefit* subsections (A) and (C) shall be amended to change the term "deferred retirement benefit" to "deferred vested benefit." The heading to Section 4-25-183 shall be changed from "Deferred retirement benefit" to "Deferred vested benefit."

05.28.2026

6. Section 4-25-242 *Deferred retirement benefit* subsections (A) and (C) shall be amended to change the term “deferred retirement benefit” to “deferred vested benefit.” The heading to Section 4-25-242 shall be changed from “Deferred retirement benefit” to “Deferred vested benefit.”
7. Sec.4-25-86 shall be added and shall provide as follows:
 - A. Effective July 1, 2026, nonforfeitable benefits payable to a participant who terminates service or has terminated service the Actuarial Equivalent of which is less than two hundred and no/100ths dollars (\$200) may be paid in one lump sum cash payment to the participant without the participant’s consent. If the Actuarial Equivalent of any nonforfeitable benefit payable to a participant who terminates service or has terminated service exceeds two hundred and no/100ths dollars (\$200) but is equal to or less than One Thousand and no/100ths dollars (\$1,000) such benefit may be paid in one lump sum cash payment to the participant without the participant’s consent upon not less than thirty (30) days and not more than one hundred eighty (180) days after the Special Tax Notice pursuant to Code §402(f) notice is provided to the participant.
8. Sec. 4-25-186 shall be added and shall provide as follows:
 - A. Effective July 1, 2026, nonforfeitable benefits payable to a participant who terminates service or has terminated service the Actuarial Equivalent of which is less than two hundred and no/100ths dollars (\$200) may be paid in one lump sum cash payment to the participant without the participant’s consent. If the Actuarial Equivalent of any nonforfeitable benefit payable to a participant who terminates service or has terminated service exceeds two hundred and no/100ths dollars (\$200) but is equal to or less than One Thousand and no/100ths dollars (\$1,000) such benefit may be paid in one lump sum cash payment to the participant without the participant’s consent upon not less than thirty (30) days and not more than one hundred eighty (180) days after the Special Tax Notice pursuant to Code §402(f) notice is provided to the participant.
9. Sec. 4-25-245 shall be added and shall provide as follows:
 - A. Effective July 1, 2026, nonforfeitable benefits payable to a participant who terminates service or has terminated service the Actuarial Equivalent of which is less than two hundred and no/100ths dollars (\$200) may be paid in one lump sum cash payment to the participant without the participant’s consent. If the Actuarial Equivalent of any nonforfeitable benefit payable to a participant who terminates service or has terminated service exceeds two hundred and no/100ths dollars (\$200) but is equal to or less than One Thousand and no/100ths dollars (\$1,000) such benefit may be paid in one lump sum cash payment to the

participant without the participant's consent upon not less than thirty (30) days and not more than one hundred eighty (180) days after the Special Tax Notice pursuant to Code §402(f) notice is provided to the participant.

10. Section 4-25-91 *Other death benefit*, subsection (A) shall be amended and restated in its entirety to read as follows:

Sec. 4-25-91 – Other death benefit.

- A. The beneficiaries described in section B of this section of a participant who dies other than as described in section 4-25-90(A), and who has not elected deferred vested benefit under section 4-25-83, shall receive a death benefit in accordance with section 4-25-93 equal to:

1. The retirement benefit, if any, the participant was receiving as of his or her date of death; or
2. If the participant died before his or her annuity commencement date, but after he or she was credited with five or more years of service or suffered an ordinary disability, the retirement benefit to which he or she was entitled under sections 4-25-78, 4-25-81 or 4-25-82.

11. Section 4-25-191 *Other death benefits*, subsection (A) shall be amended and restated in its entirety to read as follows:

Sec. 4-25-191 – Other death benefit.

- A. The beneficiaries described in section B of this section of a participant who dies other than as described in section 4-25-190(A), and who has not elected a deferred vested benefit under section 4-25-183, shall receive a death benefit in accordance with section 4-25-193 equal to 75 percent of:

1. The retirement benefit, if any, the participant was receiving as of his or her date of death; or
2. If the participant died before his or her annuity commencement date, but after he or she was credited with five or more years of service or suffered an ordinary disability, the retirement benefit to which he or she was entitled under sections 4-25-178, 4-25-181 or 4-25-182.

12. Sec. 4-25-93 *Distribution*, subsection (A) *Beneficiary priority*, shall be amended and restated in its entirety to read as follows:

Sec. 25-93. Distribution.

- A. *Beneficiary priority.* The death benefit of Sec. 4-25-90 or Sec. 4-25-91 shall be paid to the surviving spouse (as such term is defined in Sec. 4-25-1) until the

spouse's death. If there is no spouse, or upon the spouse's death, the death benefit shall be made or shall continue to be paid to or on the behalf of the participant's surviving child and disabled child (as the terms "child" and "disabled child" are defined in Sec. 4-25-1), for as long as the individual is a child or disabled child. Commencing July 1, 2026 the death benefit to a disabled child, including any disabled child then receiving a disabled child death benefit as of July 1, 2026, shall continue for so long as the disabled child is a disabled child (as defined in Sec. 4-25-1) in the same amount as the benefit payment any other child of the participant was entitled to receive during the period the child is a child as defined in Sec. (4-25-1) . If payments are made to more than one child or disabled child, the death benefit shall be payable in equal shares; provided, if any child or disabled child becomes ineligible to receive benefits because of death, attainment of age, or recovery from the disability, the death benefit shall be divided equally among the remaining eligible children and disabled child of the participant. No surviving spouse of a participant's spouse shall be entitled to any benefits from this 1978 plan as a result of the participant's spouse's interest in a benefit payable under Sec. 4-25-90 or 4-25-91.

13. Sec. 4-25-193 *Distribution*, subsection (A) *Beneficiary priority*, shall be amended and restated in its entirety to read as follows:

Sec. 25-193. Distribution.

A. *Beneficiary priority*. The death benefit of Sec. 4-25-190 or Sec. 4-25-191 shall be paid to the surviving spouse (as such term is defined in Sec. 4-25-1) until the spouse's death. If there is no spouse, or upon the spouse's death, the death benefit shall be made or shall continue to be paid to or on the behalf of the participant's surviving child and disabled child (as the terms "child" and "disabled child" are defined in Sec. 4-25-1), for as long as the individual is a child or disabled child. Commencing July 1, 2026 the death benefit to a disabled child, including any disabled child then receiving a disabled child death benefit as of July 1, 2026, shall continue for so long as the disabled child is a disabled child (as defined in Sec. 4-25-1) in the same amount as the benefit payment any other child of the participant was entitled to receive during the period the child is a child as defined in Sec. (4-25-1) . If payments are made to more than one child or disabled child, the death benefit shall be payable in equal shares; provided, if any child or disabled child becomes ineligible to receive benefits because of death, attainment of age, or recovery from the disability, the death benefit shall be divided equally among the remaining eligible children and disabled child of the participant. No surviving spouse of a participant's spouse shall be entitled to any benefits from this 1978 plan as a result of the participant's spouse's interest in a benefit payable under Sec. 4-25-190 or 4-25-191.

For each participant hired on or after July 1, 2012, the death benefit of 4-25-190 or 4-25-191 shall be paid to the surviving spouse until the spouse's death. If there is no spouse, or upon the spouse's death, the death benefit shall be made, or shall continue to be paid to or on the behalf of the participant's child and disabled child (as the terms "child" and "disabled child" are defined in Sec. 4-25-1), for as long as the individual is a child or disabled child. Commencing July 1, 2026 the death benefit to a disabled child, including any disabled child then receiving a disabled child death benefit as of July 1, 2026, shall continue for so long as the disabled child is a disabled child (as defined in Sec. 4-25-1) in the same amount as the benefit payment any other child of the participant was entitled to receive during the period the child is a child as defined in Sec. (4-25-1). If payments are made to more than one child or disabled child, the death benefit shall be payable in equal shares; provided, if any child or disabled child becomes ineligible to receive benefits because of death, attainment of age, or recovery from disability, the death benefit shall be divided equally among the remaining eligible children and disabled children of the participant. No surviving spouse of a participant's spouse shall be entitled to any benefits from this 1978 plan as a result of the participant's spouse's interest in a benefit payable under Sec. 4-25-190 or 4-25-191.

14. The first paragraph of Section 4-25-252 *Distribution*, subsection (a) *Beneficiary priority* shall be amended and restated in its entirety and shall read as follows:

Sec. 4-25-252. Distribution.

- (a) *Beneficiary priority.* The death benefit of Sec. 4-25-250 or 4-25-251 shall be paid to the surviving spouse until the spouse's death. If there is no spouse, or upon the spouse's death, the death benefit shall be made or shall continue to be paid to or on the behalf of the participant's surviving children and disabled children (as the terms "child" and "disabled child" are defined in Sec. 4-25-1), for as long as they are children or disabled children. Commencing July 1, 2026 the death benefit to a disabled child, including any disabled child then receiving a disabled child death benefit as of July 1, 2026, shall continue for so long as the disabled child is a disabled child (as defined in Sec. 4-25-1) in the same amount as the benefit payment any other child of the participant was entitled to receive during the period the child is a child as defined in Sec. (4-25-1). If payments are made to more than one child or disabled child, the death benefit shall be payable in equal shares; provided, if any child or disabled child becomes ineligible to receive benefits because of death, attainment of age, or recovery from the disability, the death benefit shall be divided equally among the remaining eligible children and disabled children of the participant. No surviving spouse of a participant's spouse shall be entitled to any benefits from this 2016 plan as a result of the participant's spouse's interest in a benefit payable under Sec. 4-25-250 or Sec. 4-25-251.

05.28.2026

15. Section 4-25-94 *Residual benefits and Refund of Employee Contributions*, subsection (b)(i) shall be amended and restated in its entirety to read as follows:

- (i) the beneficiary or beneficiaries designated by the participant (in accordance with procedures established by the Board). Notwithstanding the foregoing to the contrary, if the participant is married at the time of such designation, if the beneficiary or beneficiaries designated by the participant is not the participant's spouse, the participant's spouse's written consent to such specific beneficiary or beneficiaries shall be required for such designation to be effective, and such consent shall be witnessed by a notary public or by an authorized member of the city human resources team, or such other person representing the Board as duly designated by the Board. A participant's spouse may give a general consent acknowledging the spouse's right to consent to any beneficiary or beneficiaries and relinquishing such right, in which event any future revocation and/or redesignation of beneficiary(ies) by the participant shall not require further spousal consent. The consent of the spouse must acknowledge the effect of such election and, once given, cannot be revoked by such spouse. Any spousal consent shall only be applicable to the spouse granting such consent, or

16. Section 4-25-194 *Residual benefits*, subsection (b)(i) shall be amended and restated in its entirety to read as follows:

- (i) the beneficiary or beneficiaries designated by the participant (in accordance with procedures established by the Board). Notwithstanding the foregoing to the contrary, if the participant is married at the time of such designation, if the beneficiary or beneficiaries designated by the participant is not the participant's spouse, the participant's spouse's written consent to such specific beneficiary or beneficiaries shall be required for such designation to be effective, and such consent shall be witnessed by a notary public or by an authorized member of the city human resources team, or such other person representing the Board as duly designated by the Board. A participant's spouse may give a general consent acknowledging the spouse's right to consent to any beneficiary or beneficiaries and relinquishing such right, in which event any future revocation and/or redesignation of beneficiary(ies) by the participant shall not require further spousal consent. The consent of the spouse must acknowledge the effect of such election and, once given, cannot be revoked by such spouse. Any spousal consent shall only be applicable to the spouse granting such consent, or

17. Sec. 4-25-192 *Refund on death*, subsection (A) shall be amended and restated in its entirety to read as follows:

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- A. If any participant elects a deferred vested benefit under section 4-25-183 but dies before his or her annuity commencement date, his or her employee contributions shall be refunded in accordance with section 4-25-183(C) as if he or she had revoked his or her section 4-25-183(A) election on the day before his or her date of death.

18. Section 4-25-95 *Increase in monthly retirement allowance authorized*, subsection (K) shall be amended and restated in its entirety to read as follows:

K. Effective September 16, 1998, the following additional increases shall take effect:

- 1. Members who retired with at least 25 years of city service and retired with a normal retirement, involuntary retirement, or deferred retirement vested benefit prior to September 16, 1998, shall receive a minimum allowance of \$1,000.00 per month.

Members who died or became disabled in the line of duty prior to September 16, 1998, shall receive a minimum allowance of \$1,000.00 per month.

19. Section 4-25-95 shall be amended by adding as Paragraph "Y" the following:

Y. The mayor, chief financial officer, and chief of human resources, subject to the approval of council, may from time to time, and in such amounts as approved by council resolution, authorize from the trust fund a one-time payment in a plan year to retirees and/or survivors who are receiving a monthly retirement benefit from the trust fund. Such payment shall be in addition to the monthly retirement pension being received by the retiree or survivors for such plan year, shall only be paid in the plan year in which it is authorized, and shall not be deemed an increase in the monthly retirement allowance otherwise payable to the retiree or survivor.

20. Section 4-25-195 shall be amended by adding as Paragraph "Y" the following:

Y. The mayor, chief financial officer, and chief of human resources, subject to the approval of council, may from time to time, and in such amounts as approved by council resolution, authorize from the trust fund a one-time payment in a plan year to retirees and/or survivors who are receiving a monthly retirement benefit from the trust fund. Such payment shall be in addition to the monthly retirement pension being received by the retiree or survivors for such plan year, shall only be paid in the plan year in which it is authorized, and shall not be deemed an increase in the monthly retirement allowance otherwise payable to the retiree or survivor.

21. Section 4.25.246 shall be added and shall provide as follows:

The mayor, chief financial officer, and chief of human resources, subject to the approval of council, may from time to time, and in such amounts as approved by council resolution, authorize from the trust fund a one-time payment in a plan year

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to retirees and/or survivors who are receiving a monthly retirement benefit from the trust fund. Such payment shall be in addition to the monthly retirement pension being received by the retiree or survivors for such plan year, shall only be paid in the plan year in which it is authorized, and shall not be deemed an increase in the monthly retirement allowance otherwise payable to the retiree or survivor.

22. Section 4-25-251 *Other death benefits*, subsection (A) shall be amended and restated in its entirety and shall read as follows:

A. The beneficiaries described in section 4-25-251(b) of a participant who dies other than as described in Sec. 4-25-250(a) or Sec. 4-25-250(b) and who has not elected a deferred vested benefit under section 4-25-242, shall receive a death benefit in accordance with Sec. 4-25-252 equal to seventy-five percent (75%) of:

1. The retirement benefit, if any, the participant was receiving as of his or her date of death; or

2. If the participant died before his or her annuity commencement date, but after he or she was credited with five or more years of service or suffered an ordinary disability, the retirement benefit to which the participant was entitled under sections 4-25-240, 4-25-241 or 4-25-242.

23. The change of the term "Deferred Retirement Benefit" to the term "Deferred Vested Benefit" shall be made to the index as well.

24. Section 4-25-254 *Employee Contribution Refunds Upon Death*, subsection (i) shall be amended and restated in its to read as follows:

(i) the beneficiary or beneficiaries designated by the participant (in accordance with procedures established by the Board). Notwithstanding the foregoing to the contrary, if the participant is married at the time of such designation, if the beneficiary or beneficiaries designated by the participant is not the participant's spouse, the participant's spouse's written consent to such specific beneficiary or beneficiaries shall be required for such designation to be effective, and such consent shall be witnessed by a notary public or by an authorized member of the city human resources team, or such other person representing the Board as duly designated by the Board. A participant's spouse may give a general consent acknowledging the spouse's right to consent to any beneficiary or beneficiaries and relinquishing such right, in which event any future revocation and/or redesignation of beneficiary(ies) by the participant shall not require further spousal consent. The consent of the spouse must acknowledge the effect of such election and, once given, cannot be revoked by such spouse. Any spousal consent shall only be applicable to the spouse granting such consent, or

The provisions of this Ordinance are hereby declared to be severable. If any of the sections, amendments, provisions, sentences, clauses, phrases, or parts hereof are held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

The provisions of this Ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of Mayor in writing by the comptroller and become effective as otherwise provided by law.

The additions and amendments herein repeal and replace the relevant titles, chapters and/or sections of the 2021 Code as so amended, repealed or replaced and the Comptroller is hereby directed to make the appropriate insertions and/or deletions in the official 2021 Code, so that reference to the 2021 Code shall be understood and intended to codify such additions and amendments as part of the 2021 Code.

All ordinances or parts of ordinances in the 2021 Code in conflict herewith are, to the extent of such conflict, hereby repealed.

City Administration

Mayor

ORDINANCE NO. _____

ORDINANCE TO AMEND ORDINANCE 5793

**AN ORDINANCE TO AMEND CITY OF MEMPHIS, CODE OF ORDINANCES,
CHAPTER 33, ARTICLE III AND CORRESPONDING CHAPTER 13-28,
TO INCREASE THE SEWER FEES**

WHEREAS, the sewer fee was increased from \$2.87 to \$3.32 per 1,000 gallons on January 1, 2020; and

WHEREAS, the cost of rehabilitating or replacing aging sewer infrastructure and the significant costs to be incurred by the City for the continued operation, maintenance, increased capacity, and capital improvements for the T.E. Maxson and M.C. Stiles wastewater treatment plants owned and operated by the City warrant an increase in sewer fees; and

WHEREAS, such increase is also necessitated by the City's compliance with the Consent Decree entered into among the City of Memphis, United States Environmental Protection Agency (EPA), and Department of Justice regarding the City's sewage collection and treatment system and State of Tennessee permit requirements; and

WHEREAS, the increase of fees is further needed to restore the Sewer Fund's Revenue Bond rating from a recent downgrade in March 2025 by the replenishment of cash reserves of the sewer system which is imperative to address sewer system emergencies; and

WHEREAS, the administration deems it in the best interest of the City to increase the existing sewer fees to ensure the sustainability of the Sewer Fund.

NOW, THEREFORE,

SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that Chapter 33, Article III, Section 33-131(b)(1)) of the City of Memphis, Code of Ordinances is hereby amended to read as follows, with corresponding changes to be made to Chapter 13-28-1(b)(1):

(1) Volumetric charge. All customers will be charged a volumetric charge based on the equivalent strength of domestic sewage BOD5 of two hundred fifty (250) milligrams per liter, SS of three hundred (300) milligrams per liter, and COD of eight hundred (800) milligrams per liter. Since seven and forty-eight one hundredths (7.48) gallons equals one cubic foot, one thousand (1,000) gallons

equals 133.689 cubic feet (cf) or one thousand (1,000) gallons equals 1.33689 hundred cubic feet (ccf). The volumetric charge per one thousand (1,000) gallons shall be based on annual debt service, capital costs, treatment and operations and maintenance costs, and all other charges assigned to the sewer fund.

Beginning August 1, 2026, all customers shall be charged a volumetric charge in accordance with the following fee schedule until changed by amendment to this section. The volumetric charge shall be assessed against the name in which a meter has been installed.

From August 1, 2026 through June 30, 2028, the volumetric charge will be \$4.48 per one thousand (1,000) gallons of flow. A residential maximum volume fee of one hundred one dollars and twenty-five cents (\$101.25) and a minimum of eleven dollars and sixty-five cents (\$11.65) per month per individual dwelling unit is hereby established.

Beginning July 1, 2028, the volumetric charge will be \$5.60 per one thousand (1,000) gallons of flow. A residential maximum volume fee of one hundred twenty-six dollars and fifty-five cents (\$126.55) and a minimum of fourteen dollars and fifty-five cents (\$14.55) per month per individual dwelling unit is hereby established.

Notwithstanding the foregoing, in the case of multifamily dwellings, a portion of the volumetric charge may be recovered through a monthly flat rate per customer charge. The charge, as determined by the Director of Public Works, shall not exceed the amounts set forth in the fee schedule below. Amounts collected through any monthly flat rate charge shall be credited in accordance with section 33-156.

From August 1, 2026 through June 30, 2028	\$17.45 per month
Beginning July 1, 2028	\$21.80 per month

Commencing August 1, 2026, all citizens who qualify for the Solid Waste Fee Discount Program as delineated in Chapter 15, Section 12, City of Memphis, Code of Ordinances shall be charged a reduced fee for wastewater use in accordance with the following fee schedule, until changed by amendment to this section:

From August 1, 2026 through June 30, 2028	\$3.25 per 1,000 gallons
Beginning July 1, 2028	\$4.05 per 1,000 gallons

SECTION 2. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that Chapter 33, Article III, Section 33-131(e) of the City of Memphis, Code of Ordinances is hereby deleted in its entirety with corresponding changes to be made to Chapter 13-28-1(e).

SECTION 3. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that beginning August 1, 2026, all users who discharge wastewater with a BOD strength greater than 250 milligrams per liter will be assessed an additional treatment charge of 8.560 cents per pound; and

SECTION 4. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that beginning August 1, 2026, all users who discharge wastewater with a TSS strength greater than 300 milligrams per liter will be assessed an additional treatment charge of 19.91 cents per pound; and

SECTION 5. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that Chapter 33, Article III, Section 33-156(g) of the City of Memphis, Code of Ordinances is hereby amended to read as follows with corresponding changes to be made to Chapter 13-28-7:

(g) In accordance with the apartment credit program, the approving authority has the right to charge each tenant seventeen dollars and forty-five cents (\$17.45) per month effective as of August 1, 2026 thru June 30, 2028 and twenty one dollars and eighty cents (\$21.80) effective July 1, 2028 if so requested in writing by the apartment owner, until this section is otherwise amended. The total amount collected will then be credited against the amount billed from the master water meter reading each month.

SECTION 6. BE IT FURTHER ORDAINED, that the various sections of this Ordinance are severable, and that any portion declared unlawful shall not affect the remaining portions.

SECTION 7. BE IT FURTHER ORDAINED, that this Ordinance Amendment shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of Mayor in writing by the Comptroller, and become effective as otherwise provided by law.

Jana Swearngen-Washington, Chairwoman
Memphis City Council

ATTEST:

Comptroller

REFERENDUM ORDINANCE NO. XXXX

**REFERENDUM ORDINANCE TO AMEND THE CHARTER OF THE CITY OF
MEMPHIS, SAME BEING CHAPTER 11 OF THE ACTS OF 1879, AS AMENDED,
PURSUANT TO PROVISIONS OF ARTICLE XI, §9 OF THE CONSTITUTION OF THE
STATE OF TENNESSEE (HOME RULE AMENDMENT), SO AS TO ESTABLISH
LOBBYIST REGISTRATION AND DISCLOSURE REQUIREMENTS, AND TO
SUBMIT THE PROPOSED REFERENDUM ORDINANCE TO THE QUALIFIED
VOTERS OF THE CITY OF MEMPHIS AT THE NEXT STATE GENERAL ELECTION**

WHEREAS, Article 11, Section 9 of the Constitution of the State of Tennessee provides that it shall be the duty of the legislative body of such municipality to publish any proposal so made and to submit the same to its qualified voters at a special election which shall be held at least sixty (60) days after such publication and such proposal shall become effective sixty (60) days after approval by a majority of the qualified voters voting thereon; and

WHEREAS, cities across the country have implemented lobbyist registration requirements to regulate lobbying activities and to help promote local governmental transparency, thereby fostering public confidence in elected and appointed officers and government employees; and

WHEREAS, the Memphis City Council recognizes that First Amendment Rights must be safeguarded and endeavors to do so in all circumstances, including ensuring city government functions to serve the needs of all citizens; and

WHEREAS, establishing a lobbyist registration requirement that requires lobbyists to register annually and to file their state-mandated disclosure statements with the City of Memphis will enhance a robust, inclusive, and transparent public process; and

WHEREAS, it is deemed advisable to submit such proposed amendment to the qualified voters of the City of Memphis for their consideration; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS that the present Charter of said City consisting of the provisions of the Act of the State of Tennessee for the year 1879, Chapter 11, as amended, and pursuant to Article 11, Section 9 of the Constitution of the State of Tennessee (Home Rule Amendment) the following proposal shall be published and submitted by the City of Memphis to its qualified voters at the next state general election, and which shall be held at least sixty (60) days after such publication:

Section 1. Question

Shall the Home Rule Charter of the City of Memphis, Tennessee, be amended to require the Memphis City Council, by ordinance, to create a lobbyist registration and disclosure process to ensure transparency and accountability?

FOR THE AMENDMENT	(YES)
AGAINST THE AMENDMENT	(NO)

I, Walter Person, Director of Finance for the City of Memphis, do hereby certify that the foregoing amendment shall have no impact on the annual revenues and expenditures of the City.

Section 2. Publication of Home Rule Amendment

BE IT FURTHER ORDAINED, That the Comptroller is directed to cause this Ordinance, as finally adopted, to be published immediately after adoption in accordance with Article XI, Section 9 of the Tennessee Constitution.

Section 3. Certification and Delivery to the Election Commission.

BE IT FURTHER ORDAINED, That upon the adoption of this Ordinance becoming effective as required by law, the Comptroller of the City of Memphis shall immediately certify adoption of this Ordinance and deliver a certified copy thereof to the Shelby County Election Commission in charge of holding the State General election on November 3, 2026, and shall request that the proposed amendment to the Home Rule Charter of the City of Memphis, in the preferred form set forth in this Ordinance, be placed on the ballot.

Section 4. Proposal and Preference.

BE IT FURTHER ORDAINED, That the Comptroller of the City of Memphis is hereby directed to deliver a copy of this Ordinance to the Shelby County Election Commission, together with a suggested proposal and the following form of preference to be placed on the ballot in the next state general election:

Shall the Home Rule Charter of the City of Memphis, Tennessee, be amended to require the Memphis City Council, by ordinance, to create a lobbyist registration and disclosure process to ensure transparency and accountability?

Section 5. Effective Date of Charter Amendment.

BE IT FURTHER ORDAINED, That this Ordinance shall take effect for the purposes set forth herein sixty (60) days after approval by a majority of the qualified voters voting thereon in an election to be held on November 3, 2026, the public welfare requiring it.

Section 6. Certification of Results.

BE IT FURTHER ORDAINED, That the Shelby County Election Commission certify the result of said election on the referendum question to the Comptroller of the City of Memphis, who shall see that said result is made a part of the Minutes of the Council of the City of Memphis.

Section 7. Appropriation for Costs.

BE IT FURTHER ORDAINED, That the Mayor be and is hereby authorized to appropriate and expend out of general revenues of the City of Memphis, Tennessee, a sum sufficient to pay a pro-rata cost attributable to the inclusion of the proposed amendment on the ballot for the election to be held on November 3, 2026, and for the cost of seeking a declaratory judgment as to the enforceability of the proposed amendment if approved by the qualified voters of the City.

Section 8. Nonconflicting - Conflicting Laws.

BE IT FURTHER ORDAINED, That from and after the effective date of this Home Rule Amendment, all laws constituting the present Charter of the City of Memphis in conflict with the subject matter of this amendatory Home Rule Ordinance shall be immediately annulled, vacated, and repealed and all laws constituting the present Charter of the City of Memphis not in conflict with this amendatory Home Rule Ordinance, be and the same are here continued in full force and effect.

Section 9. Severability.

BE IT FURTHER ORDAINED, That if any clause, section, paragraph, sentence or part of this Ordinance shall be held or declared to be unconstitutional and void, it shall not affect the remaining parts of this Ordinance, it being hereby declared to be the legislative intent to have passed the remainder of this Ordinance notwithstanding the parts so held to be invalid, if any.

Section 10. Publication as Required by the City Charter.

BE IT FURTHER ORDAINED, That this Ordinance shall also be published by the Comptroller at the same time and manner as required by the City's Charter for all ordinances adopted by the City Council.

Section 11. Enactment of Referendum Ordinance.

BE IT FURTHER ORDAINED, That the adoption of this Referendum Ordinance shall take effect from and after the date it shall have passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of the Mayor in writing by the Comptroller, and become effective as otherwise provided by law.

SPONSOR:

Chase Carlisle

CHAIRPERSON

Jana Swearengen-Washington

5978

REFERENDUM ORDINANCE NO. XXXX

A REFERENDUM ORDINANCE TO AMEND THE CHARTER OF THE CITY OF MEMPHIS, SAME BEING CHAPTER 11 OF THE ACTS OF 1879, AS AMENDED, PURSUANT TO THE PROVISIONS OF ARTICLE XI, SECTION 9 OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT) TO AUTHORIZE THE CREATION BY ORDINANCE OF UNIFORM ADMINISTRATIVE PROCEDURES AND SYSTEMS FOR DISPOSITION OF APPEALS THAT MAY AFFECT THE EMPLOYMENT STATUS OF CIVIL SERVICE EMPLOYEES

WHEREAS, Article 11, Section 9 of the Constitution of the State of Tennessee provides that it shall be the duty of the legislative body of such municipality to publish any proposal so made and to submit the same to its qualified voters at a special election which shall be held at least sixty (60) days after such publication and such proposal shall become effective sixty (60) days after approval by a majority of the qualified voters voting thereon; and

WHEREAS, the Charter of the City of Memphis establishes procedures governing civil service employee appeals, including the review of disciplinary actions; and

WHEREAS, state law requires the City to utilize certain procedures in any case that may affect the employment status of a civil service employee, including Civil service, OJI and Pension appeals; and

WHEREAS, it is deemed advisable that the Council be authorized to establish by ordinance uniform and comprehensive administrative procedures, as required by law, for the disposition of appeals that may affect the employment status of a civil service employee, as required by law, including the composition of boards, commissions and hearing panels with persons trained or experienced in labor and benefits matters.

WHEREAS, it is deemed advisable to submit such proposed amendment to the qualified voters of the City of Memphis for their consideration; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS that the present Charter of said City consisting of the provisions of the Act of the State of Tennessee for the year 1879, Chapter 11, as amended, and pursuant to Article 11, Section 9 of the Constitution of the State of Tennessee (Home Rule Amendment) the following proposal shall be published and submitted by the City of Memphis to its qualified voters at the next state general election, and which shall be held at least sixty (60) days after such publication:

Section 1. Question

“Shall the City of Memphis Charter be amended to authorize the City Council, in consultation with the Mayor, to establish by ordinance uniform and comprehensive administrative procedures for disposition of appeals, as required by law, that that may affect the employment status of a civil service employee, including the composition of boards, commissions and hearing panels with persons trained or experienced in labor and benefits matters?

FOR THE AMENDMENT	(YES)
AGAINST THE AMENDMENT	(NO)

*I, Walter Person, Director of Finance for the City of Memphis, do hereby certify that the foregoing amendment shall have **no impact** on the annual revenues and expenditures of the City.*

Section 2. Publication of Home Rule Amendment

BE IT FURTHER ORDAINED, That the Comptroller is directed to cause this Ordinance, as finally adopted, to be published immediately

after adoption in accordance with Article XI, Section 9 of the Tennessee Constitution.

Section 3. Certification and Delivery to the Election Commission.

BE IT FURTHER ORDAINED, That upon the adoption of this Ordinance becoming effective as required by law, the Comptroller of the City of Memphis shall immediately certify adoption of this Ordinance and deliver a certified copy thereof to the Shelby County Election Commission in charge of holding the State General election on November 3, 2026, and shall request that the proposed amendment to the Home Rule Charter of the City of Memphis, in the preferred form set forth in this Ordinance, be placed on the ballot.

Section 4. Proposal and preference.

BE IT FURTHER ORDAINED, That the Comptroller of the City of Memphis is hereby directed to deliver a copy of this Ordinance to the Shelby County Election Commission, together with a suggested proposal and the following form of preference to be placed on the ballot in the next state general election:

Shall the City of Memphis Charter be amended to authorize the City Council, in consultation with the Mayor, to establish by ordinance uniform and comprehensive administrative procedures for disposition of appeals, as required by law, that that may affect the employment status of a civil service employee, including the composition of boards, commissions and hearing panels with persons trained or experienced in labor and benefits matters?

Section 5. Effective Date of Charter Amendment.

BE IT FURTHER ORDAINED, that Charter Amendment proposed by this Referendum Ordinance shall take effect and become operative for the purposes set forth herein sixty (60) days after approval

by a majority of the qualified voters voting thereon in an election to be held on November 3, 2026, the public welfare, requiring it.

Section 6. Certification of Results.

BE IT FURTHER ORDAINED, That the Shelby County Election Commission certify the result of said election on the referendum question to the Comptroller of the City of Memphis, who shall see that said result is made a part of the Minutes of the Council of the City of Memphis.

Section 7. Appropriation for Costs.

BE IT FURTHER ORDAINED, That the Mayor be and is hereby authorized to appropriate and expend out of general revenues of the City of Memphis, Tennessee, a sum sufficient to pay a pro-rata cost attributable to the inclusion of the proposed amendment on the ballot for the election to be held on November 3, 2026, and for the cost of seeking a declaratory judgment, if necessary, as to the enforceability of proposed amendment if approved by the qualified voters of the City.

Section 8. Nonconflicting - Conflicting Laws.

BE IT FURTHER ORDAINED, That from and after the effective date of this Home Rule Amendment, all laws constituting the present Charter of the City of Memphis in conflict with the subject matter of this amendatory Home Rule Ordinance shall be immediately annulled, vacated, and repealed and all laws constituting the present Charter of the City of Memphis not in conflict with this amendatory Home Rule Ordinance, be and the same are here continued in full force and effect.

Section 9. Severability.

BE IT FURTHER ORDAINED, that if any clause, section, paragraph, sentence or part of this Ordinance shall be held or declared to be unconstitutional and void, it shall not affect the remaining parts of this Ordinance, it being hereby declared to be the legislative intent to have passed the remainder of this Ordinance notwithstanding the parts so held to be invalid, if any.

Section 10. Publication as Required by the City Charter.

BE IT FURTHER ORDAINED, that this Ordinance shall also be published by the Comptroller at the same time and manner as required by the City's Charter for all ordinances adopted by the City Council.

Section 11. Enactment of Referendum Ordinance.

BE IT FURTHER ORDAINED, that the adoption of this Referendum Ordinance shall take effect from and after the date it shall have passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of the Mayor in writing by the Comptroller, and become effective as otherwise provided by law.

SPONSOR: Chase Carlisle

CHAIRPERSON

Jana Swearengen-Washington

ORDINANCE TO AMEND THE MEMPHIS CODE OF ORDINANCES
TO AMEND, CONSOLIDATE AND ADOPT ORDINANCES RELATIVE
TO BLIGHT REMEDIATION AND NEIGHBORHOOD
IMPROVEMENT

WHEREAS, the City Council has the power, by ordinance, to define, prevent and remove nuisances within the City; and

WHEREAS, the City Council has the power, and duty, to condemn as nuisances all buildings and other erections in the City, which, on inspection, shall be found to be unhealthy, unsanitary, or dangerous to persons or property, and cause the same to be abated or removed, unless the owners thereof, at their own expense, upon notice, shall reconstruct the same in such manner as shall be prescribed by the Ordinances of the City; and

WHEREAS, the Memphis City Council has the power by proper ordinance to require all rank weeds and grasses to be kept cut or otherwise destroyed, and shall have the authority to compel the owner, occupant or tenant of any property to cut or destroy such weeds or grasses; they shall also have power upon the refusal of the owner to cut or destroy such weeds or grasses, or in case the owner of the property is a nonresident or unknown, to cut or destroy such weeds or grasses, and shall have a lien upon the property on which said weeds or grasses are cut or destroyed for the cost of such removal, which lien can be enforced by attachment suit in any court of competent jurisdiction; they shall also have the power to make the refusal to cut or destroy such weeds or grasses a misdemeanor, punishable as other City offenses are punishable; and

WHEREAS, the City Council desires to establish an ordinance that establishes a comprehensive City program for eliminating or remediating blight within the City of Memphis; and

WHEREAS, the Council also desires to authorize the City Administration to establish programs for funding and incentivizing the construction of new affordable housing and for rehabilitation and/or

demolition of substandard and blighted properties within disadvantaged neighborhoods within the City; and

WHEREAS, the Council desires to centralize the administration and enforcement of all City ordinances and programs addressing blighted properties and neighborhoods within the City; and

WHEREAS, it is the intent of the Council to employ its plenary power to preserve the health and safety of residents of the City by eradicating nuisances, unhealthy, unsanitary vacant, abandoned, and/or dangerous properties and other private improvements, rank weeds, grasses and noxious growths, personal property abandoned in City rights-of-way and sidewalks, breeding grounds for mosquitoes and other insects, conditions which favor the multiplication and continued existence of rats and other vermin.

NOW, THEREFORE, BE IT ORDAINED BY THE MEMPHIS CITY COUNCIL as follows:

Section 1. Intent and Scope of Ordinance. This Ordinance is intended to amend, consolidate and supplement certain provisions of the 1985 Memphis City Code of Ordinances, namely, Chapter 15 (Garbage, Trash, Refuse and Solid Waste) and Chapter 16 (Health and Sanitation—Weeds/Grass/Refuse Removal, Litter Control and Enforcement, Urban Blight Nuisances). In addition, this ordinance will provide procedures for more robust enforcement of blight remediation violations, including the increased use of civil actions to remove blighted properties and other conditions that may be injurious to human health or constitute a public nuisance.

Section 2. Consistent with the Titles and Chapters adopted by the Council for the 2021 Memphis Code of Ordinances, the Council hereby adopts the following Chapters and Sections for Title 9 of the 2021 Code of Ordinances as set forth in Section 3 of this Ordinance.

Section 3. TITLE 9- HEALTH AND SAFETY

CHAPTER 1.

BLIGHT REMEDIATION

Section 9-1-1. Definitions.

The following definitions shall apply to the interpretation and enforcement of this chapter:

Abandoned is any tangible personalty or property left unclaimed for a period of 30 days or more without any identifiable ownership and its presence raises a presumption of abandonment by owner of property upon which the personalty is found, left unattended in an obvious state of disrepair or declared by owner of property as worthless or not under his or her ownership.

Bulky refuse means discarded appliances such as stoves, refrigerators, water tanks, washing machines, discarded furniture, and inoperable motor vehicles, or similar bulky materials having a weight greater than 75 pounds and/or volume greater than 35 gallons.

Business building means any structure, whether public or private, that is adapted for occupancy for transaction of business, for rendering of professional service, for amusement, for the display, sale or storage of goods, wares, or merchandise, or for the performance of work or labor, including hotels, rooming houses, office buildings, public buildings, stores, theaters, markets, restaurants, grain elevators, abattoirs, warehouses, workshops, factories, and all outhouses, sheds, barns and other structures on premises used for business purposes.

Cut and clean means cutting and removal of grass and/or rank grass and the clearing of the area from which such cuttings were made, the removal of all substances found upon the ground, the removal of noxious growth, tree branches, saplings, bushes, vines, undergrowth, abandoned foundations, abandoned piles of trash or any abandoned material, or tangible personalty which causes an obstruction to view of premises from the street, thoroughfare, or alleyway.

Garbage includes putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

Hazardous substances and conditions means any element, chemical compound or otherwise which is a physical or health hazard as defined in the OSHA standard in 29 CFR, No. 1910-120(c) or a hazardous substance as defined in the OSHA standards in 29 CFR No. 1901-120(d), or any county health department regulation, which provides the

opportunity to expose unsuspecting city grounds maintenance employees, grass cutter personnel, and other humans, particularly children, and animals.

Litter includes garbage, refuse, rubbish and all other waste materials.

Low-Income Resident means Residents of the City who are 65 or older, disabled homeowners or 100 % disabled veteran homeowners or their surviving spouses and who meet annual income requirements certified each year by the City Treasurer, except for 100% disabled veterans or their widows/widowers, for example the 2024 Maximum household income is \$37,530.

Multifamily dwelling/apartment house means any building or portion thereof used as a multiple dwelling for the purpose of providing two or more separate dwelling units which may share means of egress and other essential facilities.

Nuisance means a structure, building, portion of building, foundations, in such a state of deterioration or abandonment or vacant lot(s) that is a blighting influence on neighboring properties. The fact that such buildings or structures on neighboring properties are abandoned or deteriorated is not a defense.

Occupant means the individual, partnership or corporation that owns or has the use of or occupies any business building or multifamily dwelling or part or fraction thereof, whether the actual owner or tenant. In the case of vacant business buildings or any vacant portion of a business building or multifamily dwelling, the owner, agent or other person having custody of the building shall have the responsibilities of an occupant of a building.

Owner means the actual owner of a business building, multifamily dwelling/apartment house, single-family dwelling/dwelling unit, or townhouse, whether individual, partnership or corporation, or the agent

of the building or other person having custody of the building or to whom rent is paid.

Person means every natural person, firm, partnership, association, corporation, municipal corporation or public authority.

Refuse is a comprehensive term meaning any worthless property or items left to be discarded, on protected or unprotected lots, vacant or structured, including, but not limited to, garbage, all putrescible substances, bulky refuse, rubbish, undergrowth, (to include bushes, vines, saplings), household fixtures, furniture, cartons, boxes, excelsior, rags, building/construction materials, abandoned materials (in bulk) such as residue from burning of wood, coal, coke, ashes, firewood, tree trunk/hazardous limbs/branches, gravel, tar, macadam, concrete, plaster, glass, plasterboard, tiles, and industrial or hazardous waste, are left by benign neglect for a period of 30 days or more.

Rubbish includes all combustible and noncombustible waste materials, except garbage. The term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, dust and other similar materials.

Single-family dwelling/dwelling unit means a single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

Tangible personalty includes personal property such as goods, chattels and other articles which are capable of manual or physical possession, machinery and equipment detachable from real property, growing crops, pastures, orchards, plants, trees, timber, poles conduits, asphalt, macadam, rock, stone, and brick products.

Townhouse is a single-family dwelling unit constructed in a series or group of attached units with property lines separating such units.

Urban blight means a condition existing on property without apparent or patent supervision by an owner or tenant so that the

exterior of property is in disrepair, or contains unduly amounts of high weeds, tall grass, unkept greenery and undergrowth (to include trees, saplings, vines, bushes), about the premises creating an invitation to dust, obstructions to view, harboring of unauthorized persons or animals, vermin, health problems, promotes vandalism, danger to innocent passerby, illicit drug traffic or illegal activity, and is detrimental to the immediate neighborhood.

Weeds, grass and noxious growth shall not be interpreted to require the property owner to dispose of, or cut down growing trees, shrubs, or crops on his or her property. Weeds and noxious growth shall, however, include: (1) trees, shrubbery and rank grasses, due to neglect, that overhang either the city streets or walkways abutting the city streets; or (2) weeds and rank grass, left unattended for a period of time creating urban blight and a nuisance.

Section 9-1-2 VIOLATIONS

(A) Generally. No owner or owners of any dwellings in the City shall allow any such dwellings to be or become unfit for human habitation due to dilapidation, defects increasing the hazards of loitering, illegal activities, fire, accidents or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions, including, but not those conditions set forth in subsection (B) hereof, rendering such dwellings unsafe or insanitary, or dangerous or detrimental to the health, safety or morale, or otherwise inimical to the general welfare of the residents of the City.

(B) Prohibited Blight Conditions

1) No person shall throw, dump, deposit, or cause to be thrown, dumped, or deposited, litter or maintain a nuisance on property, improved or vacant or on any public parkway, pathway, street, or road, upon public parks, or recreation areas, or upon any other public property, except that property designated for that use.

2) No owner or owners of all lands or lots in the city shall allow high weeds, rank grass and noxious growth of any kind to exist upon such property which will constitute a public nuisance and urban blight.

- 3) No person shall allow conditions giving rise to the breeding or proliferation of mosquitoes on his or her property.
- 4) No person shall place, leave, dump or permit to accumulate any old appliances, demolition materials, garbage, rubbish or trash in any building or premises, improved or vacant, in the city which may afford food or harborage for rats or other vermin.
- 5) No owner or person in possession of a dwelling, business or multifamily dwelling shall fail to exterminate insects, rodents, vermin, or other pests in all areas of the premises that may be injurious to human health or constitute a public nuisance.
- 6) No owner or person in possession, charge of or control of any dwelling, business or premises shall keep, cause to be kept, or allow the keeping on any premises within the corporate limits of the city any solid waste in such manner that it will become offensive or deleterious to health or likely to cause disease, and the same is declared a public nuisance.

CHAPTER 2.

BLIGHT REMEDIATION ENFORCEMENT

Section 9-2-1. ENFORCEMENT.

(A) The Mayor is authorized to assign one or more City Divisions to enforce the provisions of this Chapter or alternatively, the Mayor may create a separate City Division, with the concurrence of the Council as provided in the City's Charter, to exercise the powers granted by this Chapter and to enforce the provisions of this Chapter for eliminating blight in the City. In either case, the Mayor may designate and appoint one or more Public Property Inspectors ("Public Officers") to make such unannounced inspections of the interior and exterior of dwellings, business, buildings, multifamily dwellings or properties when any such investigator has or is presented with evidence that establishes reasonable cause that violations of this Chapter have occurred and are continuing.

(B) A petition may be filed with the Mayor or with the director of the duly established City Division for eliminating blight by at least five (5) residents of a City Council District charging that any building, dwelling, vacant lot, business or property is unfit for human habitation or that conditions exist on or about any building, dwelling, business or property within the City that creates or constitutes a public nuisance or blight.

(C) That whenever a petition is filed with the Mayor or a duly appointed Public Officer by at least five residents of a City Council District charging that any building, dwelling, vacant lot or business or property is unfit for human habitation or constitutes a public nuisance or whenever it appears to the public officer (on his or her own motion) that any dwelling, building or property is unfit for human habitation or constitutes a public nuisance, such officer, in consultation with the City Attorney, shall, if his or her preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner, every mortgagee of record and all parties in interest in such building, dwelling, business or property (including persons in possession) a complaint stating the charges and violations of this Chapter in that respect. Such complaint shall contain a notice that an administrative hearing will be held before the public officer or his designated agent at a

place therein fixed not less than ten (10) days nor more than thirty (30) days after the serving of said complaint; that the owner, mortgagee and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the public officer.

(D) A Public Officer may also determine that a dwelling, building or property is unfit for human habitation or constitutes a public nuisance if such officer finds that conditions exist in such dwelling which are dangerous or injurious to the health, safety or morale of the occupants of such dwelling, the occupants of neighboring dwellings or other residents of such municipality, or which have a blighting influence on properties in the area. Such conditions may include the following, without limitations: Defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light or sanitary facilities; dilapidation; disrepair; structural defects; uncleanness; rat harborage, overcrowding; inadequate ingress and egress; inadequate drainage; or any violation of health, fire, building or zoning regulations, or any other laws or regulations relating to the use of land and the use and occupancy of buildings and improvements.

(E) That if, after such notice and hearing, the public officer determines that the dwelling or business under consideration is unfit for human habitation or constitutes a public nuisance or blight he or she shall state in writing his findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order which provides that:

- 1) If the repair, alteration or improvement of the said dwelling or building can be made at a reasonable cost in relation to the value of the dwelling (the ordinance of the municipality shall fix a certain percentage of such cost as being reasonable for such purpose), requires the owner, within the time specified in the order, to repair, alter, or improve such dwelling to render it fit for human habitation or to vacate and close the dwelling as a human habitation; or

2) If the repair, alteration or improvement of the said dwelling cannot be made at a reasonable cost in relation to the value of the dwelling (the ordinance of the municipality shall fix a certain percentage of such cost as being reasonable for such purpose), requires the owner, within the time specified in the order, to remove or demolish such dwellings or buildings.

(F) That, if the owner fails to comply with an order to repair, alter or improve or to vacate and close the dwelling, the public officer may cause such dwelling to be repaired, altered or improved, or to be vacated and closed.

(G) That, if the owner fails to comply with an order to remove or demolish the dwelling, the public officer may cause such dwelling to be removed or demolished.

(H) That the amount of the cost of such repairs, alteration or improvements, or vacating and closing, or removal or demolition by the City shall be a lien against the real property upon which such cost was incurred, which may be filed with the Register's Office of Shelby County. If the dwelling is removed or demolished by the public officer, such officer or his or her designee shall sell the materials of such dwelling or building, if any, and shall credit the proceeds of such sale against the cost of the removal or demolition and any balance remaining shall be deposited in the Chancery Court of Shelby County by the public officer, shall be secured in such manner as may be directed by such court, and shall be disbursed by such court to the persons found to be entitled thereto by final order or decree of such court. The City shall be entitled to recover all costs of collection, including a reasonable attorney's fee and interest as provided by law.

(I) Complaints or orders issued by a public officer pursuant to this Chapter shall be served upon persons either personally, by registered mail or on the next business day after the same is deposited with a nationally recognized overnight delivery service that guarantees overnight delivery, but if the whereabouts of such persons is unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence, and the public officer shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two consecutive weeks in a newspaper printed and published in the City, or, in the absence of such

newspaper, in one printed and published in the County and circulating in the City in which the dwellings, buildings of properties are located. A copy of such complaint or order shall be posted in a conspicuous place on the premises affected by the complaint or order. A certified copy of such complaint or order shall also be filed with the Register's Office of Shelby County and such filing of the complaint or order shall have the same force and effect as other lis pendens notices provided by law.

(J) Within sixty days after the posting and service of the order of the public officer any person aggrieved by an order issued by a public officer of the City may petition the Chancery Court of Shelby County for an injunction restraining the public officer from carrying out the provisions of the order, and the court may, upon such petition and proper bond, issue a temporary injunction restraining the public officer pending the final disposition of the cause; **provided, however, that, such person shall petition the court.** Hearings shall be had by the court on such petitions within twenty (20) days, or as soon thereafter as possible, and shall be given preference over other matters on the court's calendar. The court shall hear and determine the issues raised and shall enter a final order or decree in the proceedings. In all such proceedings the findings of the public officer as to fact, if supported by evidence, shall be conclusive. Costs shall be in the discretion of the court. The remedies herein provided shall be exclusive remedies and no person affected by an order of the public officer shall be entitled to recover any damages for action taken pursuant to any order of the public officer, or because of compliance by such person with any order of the public officer.

(K) Any duly authorized public officer of the City may exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this Chapter, including the following powers in addition to others herein granted:

- (1) To investigate the dwelling, buildings and property conditions in the City in order to determine which dwellings therein are unfit for human habitation;
- (2) To administer oaths, affirmations, examine witnesses and receive evidence;
- (3) To enter upon premises for the purpose of making examinations, provided that such entries shall be made in such manner as to

cause the least possible inconvenience to the persons in possession, and to obtain a subpoena from the City Council or an order for this purpose from a court of competent jurisdiction in the event entry is denied or resisted;

(4) To appoint and fix the duties of such officers, agent and employees as he deems necessary to carry out the purposes of such ordinance; and

(5) To delegate any of his functions and powers under the Chapter to such officers, agents and employees of the City as he may designate.

(L) Nothing in this section shall be construed to abrogate or impair the powers of the courts or of any Division of the City appointed by the Mayor to enforce any provisions of its charter or its ordinances or regulations, nor to prevent or punish violations thereof; and the powers conferred by this Chapter shall be in addition and supplemental to the powers conferred by any other law.

(M) Nothing in this section shall be construed to impair or limit in any way the power of the City to define and declare nuisances and to cause their removal or abatement, by summary proceedings administratively or by law or equity or otherwise.

Section 9-2-2 Alternate or Cumulative Remedies for City Removal of Weeds, Noxious Growths and Refuse

(A) If a Public Officer determines that an owner or person in possession of property within the city has failed to cut, or have cut, weeds, rank grass or noxious growths or to remove refuse from his or her property and dispose of it in accordance with the law such public officer shall issue and cause to be served upon the owner, every mortgagee of record and all parties in interest in such building, dwelling, business or property (including persons in possession) a notice on such persons to cut or to have cut, within five days of the service of such notice, all weeds, grass, or noxious growth upon such property or to remove refuse from such property and dispose of it in accordance with the law . Such notice may be served by any method authorized in Section 9-2-1(I).

(B) Service of notice under this section with regard to weeds and similar noxious growths only, shall be required to be made by the city only one time during a growth season and shall be deemed to be sufficient, satisfactory and legal notice to the property owner for any further violations during the balance of that growth season. "Growth season" is defined to be that period of time between May 1 and September 30 of each calendar year.

(C) Should the owner or responsible tenant in charge fail to cut and clean the property following notice as set out in this Chapter, The City or a private contractor hired by the City under supervision of director of general services reserves the right to enter the premises for the purpose of removing abandoned tangible personal property and trash, weeds, rank grass and noxious growths to prevent hazard conditions, nuisances, and urban blight.

(D) In addition to or in lieu of any other remedy available to the City under this Chapter, the City is authorized and directed to have a statement of the cost thereof served on the owner or person in possession of property with a copy filed with the director of finance or his or her designee and with the City Attorney. The amount of the cost of removal of such abandoned tangible personal property and trash, weeds, rank grass and noxious growths shall be a lien against the real property upon which such cost was incurred, which may be filed with the Register's Office of Shelby County. Any un recovered costs shall be collected as provided in this Chapter.

CHAPTER 3.

BLIGHT REMEDIATION ENFORCEMENT AND LOW INCOME ACCESS FUND

Section 9-3-1 – Estimates of the City's Cost of Blight Remediation

(A) The City Administration shall as soon as possible thereafter prepare an estimate of the annual expenses or costs to provide the equipment, personnel and supplies necessary for periodic examinations and investigations of the dwellings, buildings and properties for the purpose of determining the fitness of such dwellings for human habitation, and for the enforcement and

administration of any ordinance or ordinances adopted under this Chapter or otherwise for blight remediation in the City.

- (B) The Division of Finance shall prepare a cost study of the City's estimated annual costs and revenues associated with the administration of the Blight Remediation programs authorized by this ordinance and propose an annual Blight Remediation Administration fee to be assessed against habitual offenders, who have failed to remediate Urban Blighted conditions on their properties, which methodology for calculating and assessment of the annual Blight Remediation Administration fee shall be adopted by the Council from time to time as a supplemental amending ordinance to this master ordinance.

Section 9-3-2 – Blight Remediation Administration and Low-Income Remediation Access Fund

- (A) **Purpose.** There is hereby created a Blight Remediation Administration and Low-Income Remediation Access Fund to help defray or subsidize the City's costs of administration of the Blight Remediation programs authorized by this ordinance and to assist low-income persons in remediating blighted conditions on their properties costs on a first-come first served basis.
- (B) **Administration of Fund and Accounting.** The Blight Remediation Administration and Low-Income Remediation Access Fund shall be maintained and accounted for by the City as a separate discrete fund to be used until all monies therein are exhausted and only for the purposes specified in this Chapter, unless otherwise provided by the Council by resolution, in accordance with procedures and rules promulgated by the City Administration.

Section 4 Severability Clause.

BE IT FURTHER ORDAINED That the provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences, clauses, phrases, or parts is held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

Section 5 Codification Clause.

BE IT FURTHER ORDAINED that this Ordinance amends Title 9, Chapter 16 of the Official 2021 City Code. The City has authorized the Municipal Code Corporation to provide a republication of the City's Ordinances in the Official City Code, as amended from time to time, for the convenience of the public. The Official 2021 City Code and the official version of all new, amending, repealing and clarifying ordinances adopted by the City Council are maintained by the City's Comptroller in the Office of Council Records.

Section 6 Effective Date. BE IT FURTHER ORDAINED, That this Ordinance shall take effect after having been passed by City Council, signed by the Chair of Council, certified and delivered to the office of the Mayor in writing by the comptroller, and becomes effective as otherwise provided by law and shall remain effective and operative unless and until the City Council alters, amends clarifies or repeals it by a superseding, amending, clarifying or codifying ordinance.

SPONSOR(S): Council Members

White
Green
Spinoso

J. FORD CANALE
CHAIRMAN