

CITY OF MEMPHIS
COUNCIL AGENDA CHECK OFF SHEET

Planning & Development
DIVISION

ONE ORIGINAL |
 ONLY STAPLED |
 TO DOCUMENTS |

Planning & Zoning COMMITTEE: 4/25/2023
DATE
PUBLIC SESSION: 4/25/2023
DATE

ITEM (CHECK ONE)

ORDINANCE RESOLUTION REQUEST FOR PUBLIC HEARING

ITEM DESCRIPTION: Resolution pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving a planned development at the subject property located at 110 Byfield Drive, known as case number PD 2023-005

CASE NUMBER: PD 2023-005

DEVELOPMENT: Byfield Drive Planned Development

LOCATION: 110 Byfield Drive

COUNCIL DISTRICTS: District 6 and Super District 8 – Positions 1, 2, and 3

OWNER/APPLICANT: Thornton Realty and Property Solutions

REPRESENTATIVE: Delinor Smith, Smith Building Design and Associates

REQUEST: Planned Development to include Retail Shopping Center use that is permitted in CMU-1, where the current zoning is Residential – 6 (R-6)

AREA: +/- .355 acres

RECOMMENDATION: The Division of Planning and Development recommended ***Approval with outline plan conditions***
The Land Use Control Board recommended ***Approval with outline plan conditions***

RECOMMENDED COUNCIL ACTION: **Public Hearing Not Required**

PRIOR ACTION ON ITEM:

(1) APPROVAL - (1) APPROVED (2) DENIED
04/13/2023 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:

DATE POSITION

_____ PRINCIPAL PLANNER
_____ DEPUTY ADMINISTRATOR
_____ ADMINISTRATOR
_____ DIRECTOR (JOINT APPROVAL)
_____ COMPTROLLER
_____ FINANCE DIRECTOR
_____ CITY ATTORNEY
_____ **CHIEF ADMINISTRATIVE OFFICER**
_____ **COMMITTEE CHAIRMAN**



Memphis City Council Summary Sheet

PD 2023-005

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A PLANNED DEVELOPMENT AT THE SUBJECT PROPERTY LOCATED AT 110 BYFIELD, KNOWN AS CASE NUMBER PD 2023-005

- This item is a resolution with conditions to allow a Planned Development to include Retail Shopping Center use that is permitted in CMU-1, where the current zoning is Residential – 6 (R-6); and
- This resolution, if approved with conditions, will supersede the existing zoning for this property; and
- The item may require future public improvement contracts.

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday, April 13, 2023**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: PD 2023-005

DEVELOPMENT: Byfield Drive Planned Development

LOCATION: 110 Byfield Drive

COUNCIL DISTRICT(S): District 6 and Super District 8 – Positions 1, 2, and 3

OWNER/APPLICANT: Thornton Realty and Property Solutions

REPRESENTATIVE: Delinor Smith, Smith Building Design and Associates

REQUEST: Planned Development to include Retail Shopping Center use that is permitted in CMU-1, where the current zoning is Residential – 6 (R-6)

EXISTING ZONING: Residential Single-Family – 6 (R-6)

AREA: +/- .355 acres

The following spoke in support of the application: None

The following spoke in opposition the application: None

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

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

Respectfully,



Teresa H. Shelton
Municipal Planner
Land Use and Development Services
Division of Planning and Development

Cc: Committee Members
File

**PD 2023-005
CONDITIONS**

Outline Plan Conditions

- I. Permitted Uses
 - A. Any use permitted by right in the Commercial Mixed Use - 1 (CMU-1) District including the following specifically permitted uses.
 1. All offices
 2. Medical, Dental or Chiropractic Clinic/Office, massage therapy, or outpatient surgery center
 3. Pharmacy
 4. Bakery, retail
 5. Hair, nail, tanning, massage therapy and personal care service, barber shop or beauty salon
 6. Medical or Dental Laboratory
 - B. The following uses are strictly prohibited.
 1. Payday loans, title loans and flexible loan plan establishments
 2. Vehicle service and repair
 3. Microbrewery and micro distillery
 4. Farmers Market
 5. Tattoo, Palmist, Psychic or Medium
 6. Retail Sales Outdoor (vendor), Flea market
 7. Smoke shop
 8. All Vehicle Sales, Rental, Leasing
 9. Vehicle parts and accessories
 10. Indoor multi-story
 11. Vehicle wash establishment
 12. All Vehicle Service
 13. Lumberyard and wood products
 14. Neighborhood Garden
 15. Radio, TV, or Recording Studio
 16. All other funeral establishments, including crematorium and pet crematorium
 17. CMCS tower and facilities
 18. Amateur Radio Operator Tower (65' or less)
 19. All minor utilities
 20. Light manufacturing or assembly of equipment, instruments, or goods
 21. Reservoir, Control Structure, Water Supply, Water Well
 22. Recreation Field with or without lights
 23. All parks and open areas
 24. Restaurant with sale of alcoholic beverages, Brew Pub
 25. Restaurant, Drive-in
 26. Animal Boarding, Animal Shelter, Kennel, Doggy Day Care
 27. Cemetery, Mausoleum, Columbarium, Memorial Park
 28. Group Living

- 29. Convenience store with gas pumps, Gas station, Commercial electric vehicle charge station
- 30. Restaurant, Drive-in

II. Bulk Regulations

- A. The development shall comply with the bulk requirements of the Commercial Mixed Use - 1 (CMU-1) District.

III. Access, Parking and Circulation

- A. One curb cut permitted on Horn Lake Road.
- B. The design and location of the curb cut shall be approved by the City Engineer.
- C. The minimum sight distance and geometry requirements for public streets shall comply with the Unified Development Code.
- D. All required parking shall be as illustrated on the final plat. No parking shall be allowed on any adjacent lots or parcels.
- E. A standard subdivision contract.
- F. The exact location, number and dimension of all parking spaces and access drive.

IV. Drainage

- A. Drainage improvements, including possible on-site detention, to be provided under contract in accordance with the City of Memphis Drainage Design Manual.
- B. All drainage plans shall be subject to the City/County Engineer's Office review and approval.
- C. All drainage emanating on-site shall be private in nature and no easements will be accepted.
- D. All commons, open areas, private streets, private sewers, and private drainage shall be owned and maintained by a property owners association. A statement to this effect shall appear on the final plat.

V. Landscaping

- A. Landscaping shall be provided as illustrated on the Outline Plan.
- B. Dumpsters shall be enclosed on all four sides with wood, brick, or other solid materials as approved by the Office of Planning and Development.
- C. Lighting shall be directed so as to not glare onto residential property or onto traffic on Malone Road.

VI. Signs

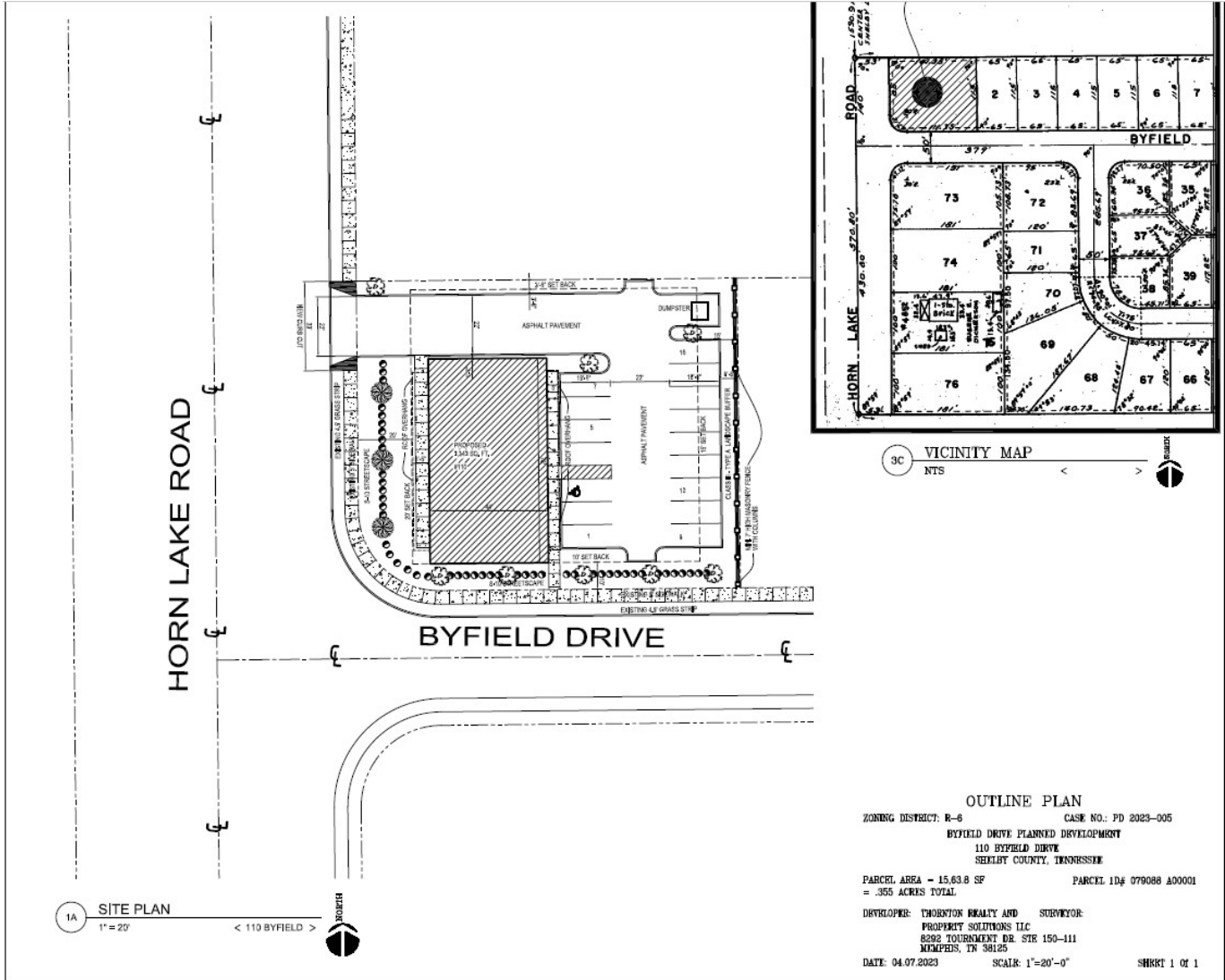
- A. Signage shall be in conformance with the CMU-1 District regulations.

- VII. The Land Use Control Board may modify the bulk, access, parking, landscaping, and sign requirements if equivalent alternatives are presented; provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder may, within ten days of such action, file a written appeal to the Director of the

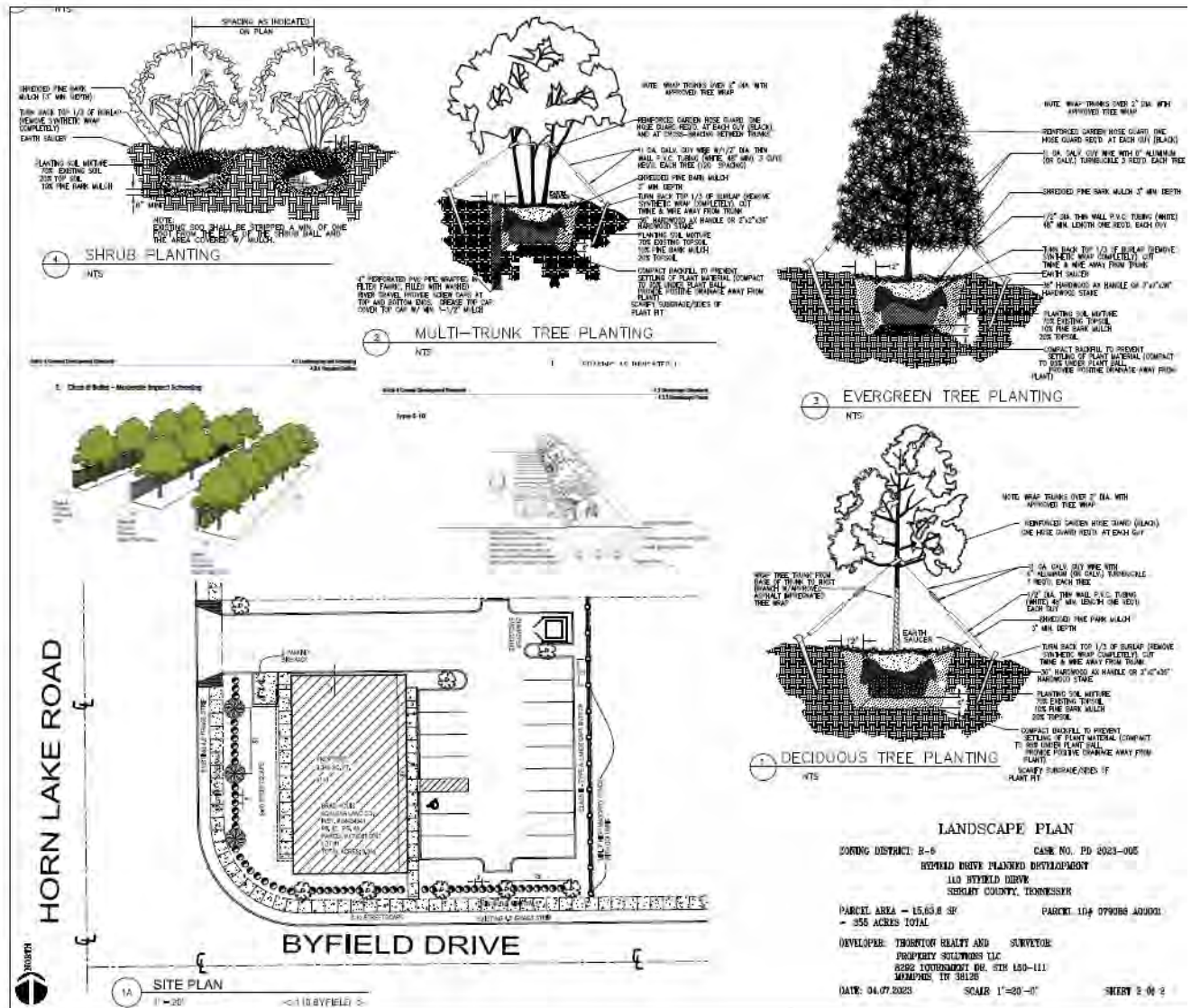
Office of Planning and Development, to have such action reviewed by the appropriate Governing Bodies.

- VIII. A final plan shall be filed within five (5) years of approval of the outline plan. The Land Use Control Board may grant extensions at the request of the applicant.
- IX. A final site plan will be submitted for administrative approval to finalize the elevations, building materials, circulation, landscaping, parking, location of the building, etc.
- X. Any final plan shall include the following:
 - A. The outline plan conditions.
 - B. A standard subdivision contract as defined by the Subdivision Regulations for any needed public improvements.
 - C. The exact location and dimensions, including height of all building or buildable areas, parking areas, drives, loading spaces and facilities, required landscaping, trash receptacles and signs.
 - D. The number of parking spaces.
 - E. The location and ownership, whether public or private, of any easement.
 - F. A statement conveying all common facilities and areas to a property owners association, or other entity, for ownership and maintenance purposes.
 - G. The 100-year flood elevation.
 - H. Fire hydrants in accordance with requirements of the Memphis Fire Department.

OUTLINE PLAN



LANDSCAPE PLAN



LANDSCAPE PLAN

ZONING DISTRICT: R-6 CASE NO. PD 2023-005

HYFIELD DRIVE PLANNED DEVELOPMENT

110 HYFIELD DRIVE

SEBASTY COUNTY, TENNESSEE

PARCEL AREA - 15,650 SQ FT - 355 ACRES TOTAL PARCEL ID# 079086 00001

DEVELOPER: THORNTON REALTY AND SURVEYOR

PROPERTY SOLUTIONS LLC

6526 TOWNHUNT DR. STE 100-111

MEMPHIS, TN 38118

DATE: 04.07.2023 SCALE: 1"=20'-0" SHEET 2 OF 2

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A PLANNED DEVELOPMENT AT THE SUBJECT PROPERTY LOCATED AT 110 BYFIELD DRIVE, KNOWN AS CASE NUMBER PD 2023-005

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

WHEREAS, the Thornton Realty and Property Solutions filed an application with the Memphis and Shelby County Division of Planning and Development to allow a Planned Development to include Retail Shopping Center use that is permitted in CMU-1, where the current zoning is Residential – 6 (R-6); and

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

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on April 13, 2023, and said Board has submitted its findings and recommendation subject to outline plan conditions concerning the above considerations to the Council of the City of Memphis; and

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

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

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

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

ATTEST:

CC: Division of Planning and Development
– Land Use and Development Services
– Office of Construction Enforcement

OUTLINE PLAN CONDITIONS

- I. Permitted Uses
 - A. Any use permitted by right in the Commercial Mixed Use - 1 (CMU-1) District including the following specifically permitted uses.
 1. All offices
 2. Medical, Dental or Chiropractic Clinic/Office, massage therapy, or outpatient surgery center
 3. Pharmacy
 4. Bakery, retail
 5. Hair, nail, tanning, massage therapy and personal care service, barber shop or beauty salon
 6. Medical or Dental Laboratory
 - B. The following uses are strictly prohibited.
 1. Payday loans, title loans and flexible loan plan establishments
 2. Vehicle service and repair
 3. Microbrewery and micro distillery
 4. Farmers Market
 5. Tattoo, Palmist, Psychic or Medium
 6. Retail Sales Outdoor (vendor), Flea market
 7. Smoke shop
 8. All Vehicle Sales, Rental, Leasing
 9. Vehicle parts and accessories
 10. Indoor multi-story
 11. Vehicle wash establishment
 12. All Vehicle Service
 13. Lumberyard and wood products
 14. Neighborhood Garden
 15. Radio, TV, or Recording Studio
 16. All other funeral establishments, including crematorium and pet crematorium
 17. CMCS tower and facilities
 18. Amateur Radio Operator Tower (65' or less)
 19. All minor utilities
 20. Light manufacturing or assembly of equipment, instruments, or goods
 21. Reservoir, Control Structure, Water Supply, Water Well
 22. Recreation Field with or without lights
 23. All parks and open areas
 24. Restaurant with sale of alcoholic beverages, Brew Pub
 25. Restaurant, Drive-in
 26. Animal Boarding, Animal Shelter, Kennel, Doggy Day Care
 27. Cemetery, Mausoleum, Columbarium, Memorial Park
 28. Group Living
 29. Convenience store with gas pumps, Gas station, Commercial electric vehicle charge station
 30. Restaurant, Drive-in

- II. Bulk Regulations
 - A. The development shall comply with the bulk requirements of the Commercial Mixed Use - 1 (CMU-1) District.

- III. Access, Parking and Circulation
 - A. One curb cut permitted on Horn Lake Road.
 - B. The design and location of the curb cut shall be approved by the City Engineer.
 - C. The minimum sight distance and geometry requirements for public streets shall comply with the Unified Development Code.
 - D. All required parking shall be as illustrated on the final plat. No parking shall be allowed on any adjacent lots or parcels.
 - E. A standard subdivision contract.
 - F. The exact location, number and dimension of all parking spaces and access drive.

- IV. Drainage
 - A. Drainage improvements, including possible on-site detention, to be provided under contract in accordance with the City of Memphis Drainage Design Manual.
 - B. All drainage plans shall be subject to the City/County Engineer's Office review and approval.
 - C. All drainage emanating on-site shall be private in nature and no easements will be accepted.
 - D. All commons, open areas, private streets, private sewers, and private drainage shall be owned and maintained by a property owners association. A statement to this effect shall appear on the final plat.

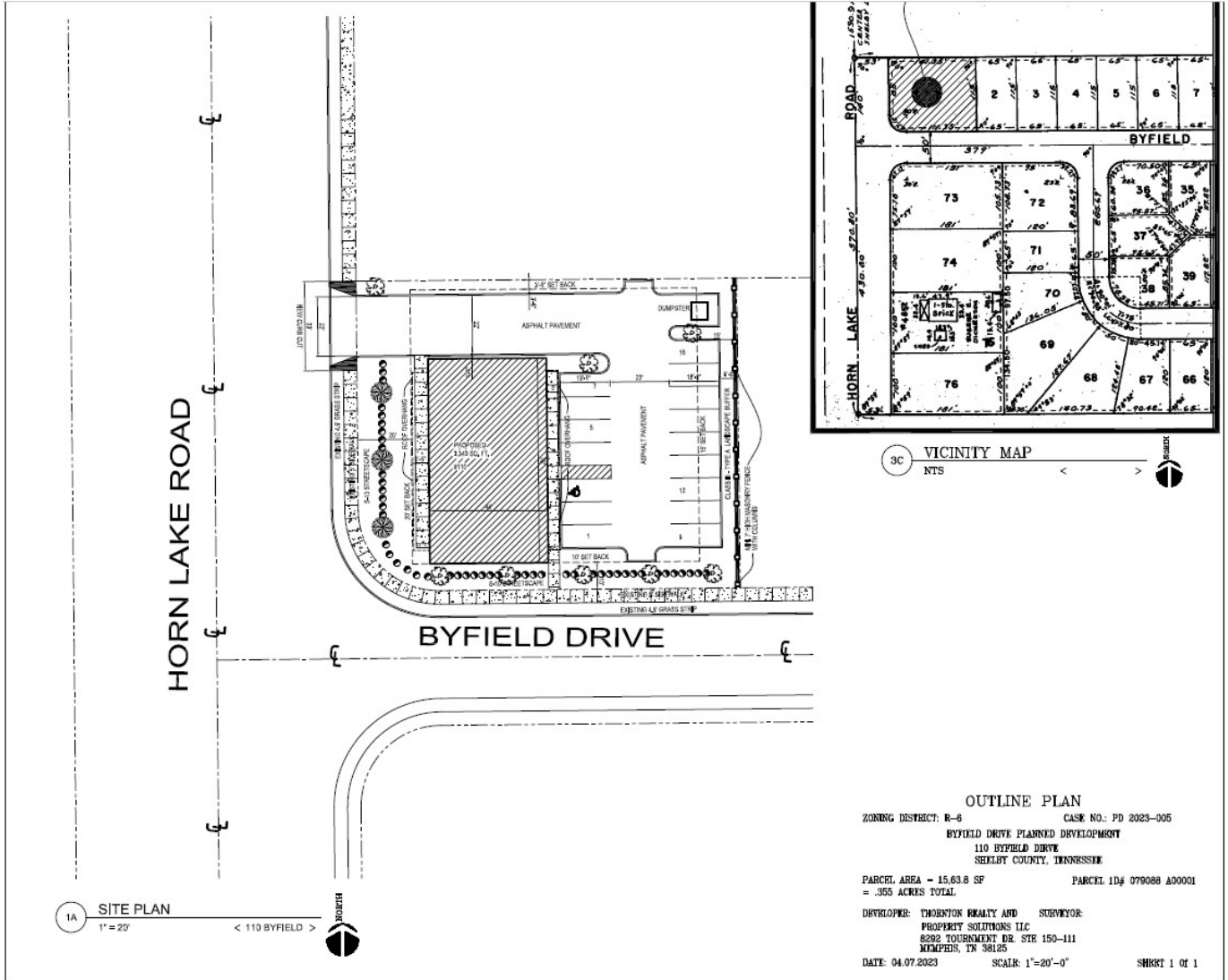
- V. Landscaping
 - A. Landscaping shall be provided as illustrated on the Outline Plan.
 - B. Dumpsters shall be enclosed on all four sides with wood, brick, or other solid materials as approved by the Office of Planning and Development.
 - C. Lighting shall be directed so as to not glare onto residential property or onto traffic on Malone Road.

- VI. Signs
 - A. Signage shall be in conformance with the CMU-1 District regulations.

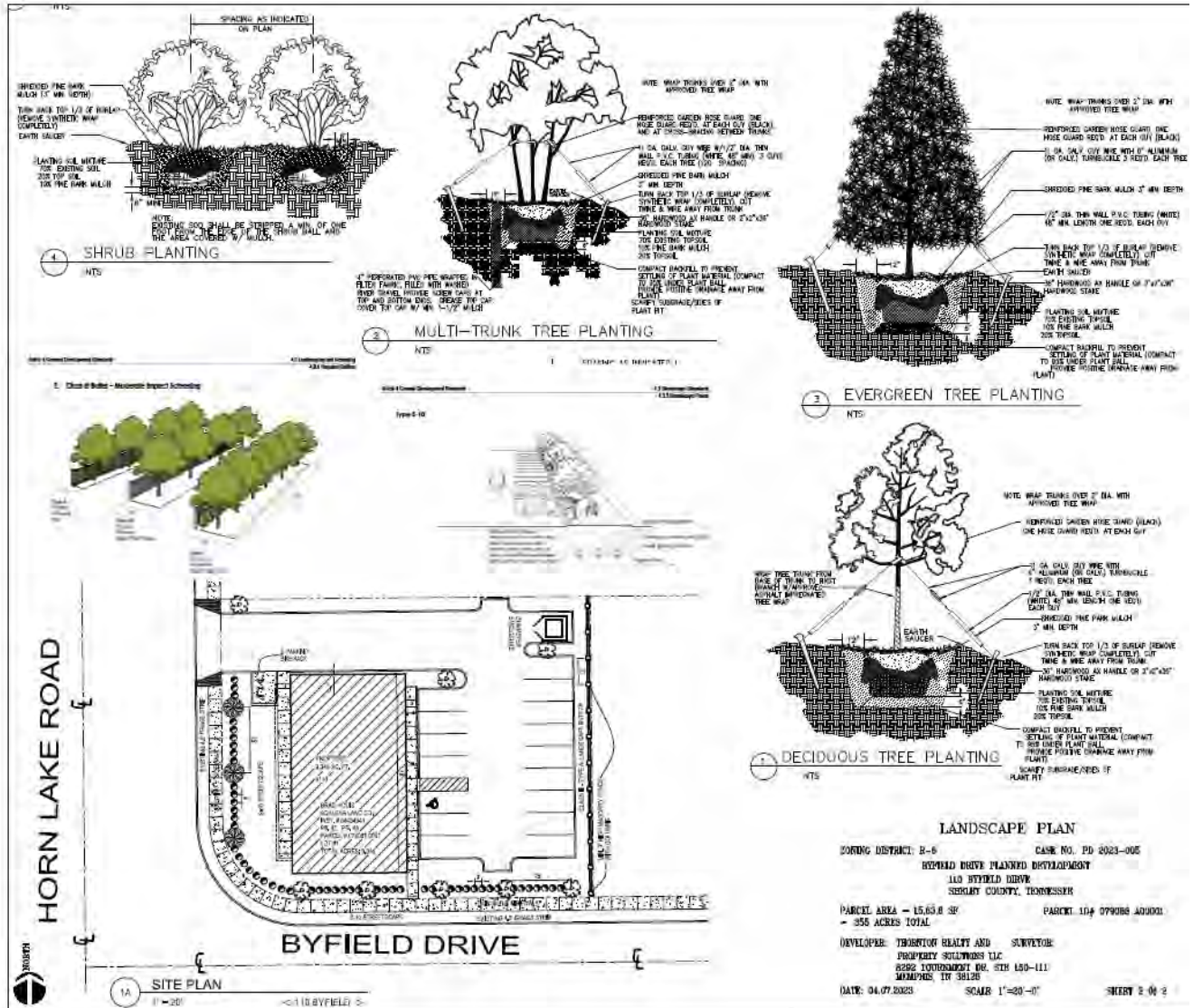
- VII. The Land Use Control Board may modify the bulk, access, parking, landscaping, and sign requirements if equivalent alternatives are presented; provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder may, within ten days of such action, file a written appeal to the Director of the Office of Planning and Development, to have such action reviewed by the appropriate Governing Bodies.

- VIII. A final plan shall be filed within five (5) years of approval of the outline plan. The Land Use Control Board may grant extensions at the request of the applicant.
- IX. A final site plan will be submitted for administrative approval to finalize the elevations, building materials, circulation, landscaping, parking, location of the building, etc.
- X. Any final plan shall include the following:
 - A. The outline plan conditions.
 - B. A standard subdivision contract as defined by the Subdivision Regulations for any needed public improvements.
 - C. The exact location and dimensions, including height of all building or buildable areas, parking areas, drives, loading spaces and facilities, required landscaping, trash receptacles and signs.
 - D. The number of parking spaces.
 - E. The location and ownership, whether public or private, of any easement.
 - F. A statement conveying all common facilities and areas to a property owners association, or other entity, for ownership and maintenance purposes.
 - G. The 100-year flood elevation.
 - H. Fire hydrants in accordance with requirements of the Memphis Fire Department.

OUTLINE PLAN



LANDSCAPE PLAN



LANDSCAPE PLAN

ZONING DISTRICT: R-6 CASE NO. PD 2023-005

HYFIELD DRIVE PLANNED DEVELOPMENT

110 HYFIELD DRIVE

SEBASTY COUNTY, TENNESSEE

PARCEL AREA - 15.65 ± AC

- 355 ACRES TOTAL

DEVELOPER: THORNTON REALTY AND SURVEYOR

PROPERTY SOLUTIONS LLC

6526 TOURNEMENT DR, STE 100-111

MEMPHIS, TN 38118

DATE: 04.07.2023 SCALE: 1"=20'-0" SHEET 2 OF 2

AGENDA ITEM: 2

CASE NUMBER: PD 2023-005 **L.U.C.B. MEETING:** April 13, 2023

DEVELOPMENT: Byfield Drive Planned Development

LOCATION: 110 Byfield

COUNCIL DISTRICT: District 6 and Super District 8 – Positions 1, 2, and 3

OWNER/APPLICANT: Thornton Realty and Property Solutions

REPRESENTATIVE: Delinor Smith, Smith Building Design and Associates

REQUEST: Planned Development to include Retail Shopping Center use that is permitted in CMU-1, where the current zoning is Residential – 6 (R-6)

AREA: +/- .355 acres

EXISTING ZONING: Residential Single-Family – 6 (R-6)

CONCLUSIONS

1. The applicant is requesting a planned development of +/- .355 acres to include Retail Shopping Center use that is permitted in CMU-1, where the current zoning is Residential – 6 (R-6).
2. The purpose of this request is to develop a small retail shopping center with at least 3 to 4 rental spaces.
3. This requested use is not compatible with the future land use description/intent, form & location characteristics and zoning notes as the proposed use is residential rather than commercial. However, the existing, adjacent land use to the north side of the parcel is zoned CMU-1.
4. The subject property is vacant at this time.

CONSISTENCY WITH MEMPHIS 3.0

This proposal is consistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on pages

RECOMMENDATION

Approval with conditions

GENERAL INFORMATION

Street Frontage: W. Byfield Drive +/-128.6 linear feet
Horn Lake Road +/-124.1 curvilinear feet

Zoning Atlas Page: 2425

Parcel ID: 076088 A00001

Existing Zoning: Residential Single-Family – 6 (R-6)

NEIGHBORHOOD MEETING

The meeting was held at 5:00 PM on Monday, March 27, 2023, at Whitehaven Branch Library, 4120 Millbranch Road.

March 17, 2023

You are invited to a neighborhood meeting to discuss a Planned Development Application filed with the Memphis and Shelby County Division of Planning and Development. The site is located at 110 Byfield Drive. We are requesting this planned development to include retail shopping center use that is permitted in the CMU-1 zoning district, where the current zoning is R-6.

NEIGHBORHOOD MEETING NOTICE

Subject: Planned Development – 110 Byfield Dr.

(DPD Case # PD 23-05)

Date: Monday, March 27, 2023

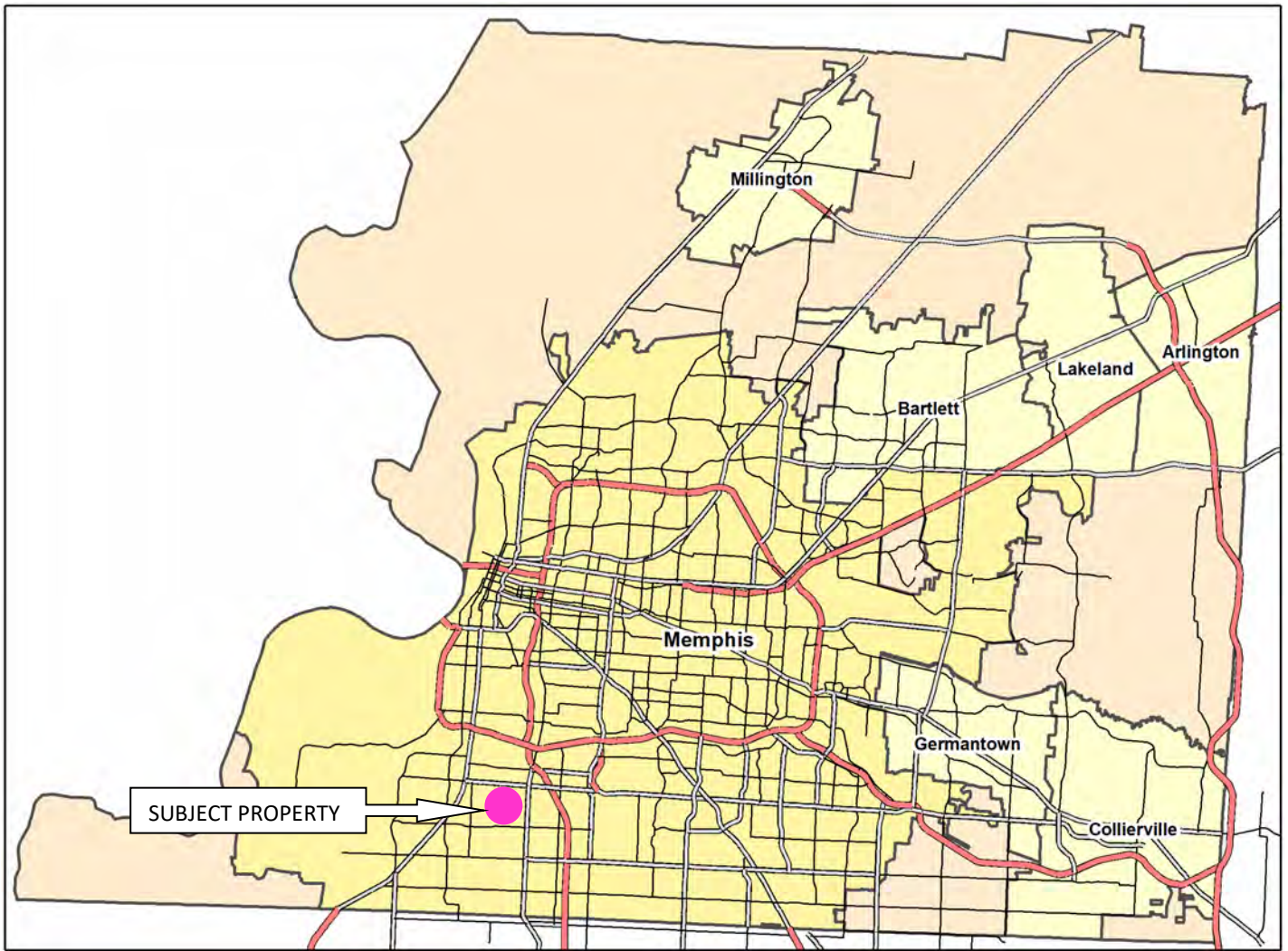
Time: 5pm to 6pm

Location: Whitehaven Branch Library
4120 Millbranch Rd.
Memphis, TN 38116

PUBLIC NOTICE

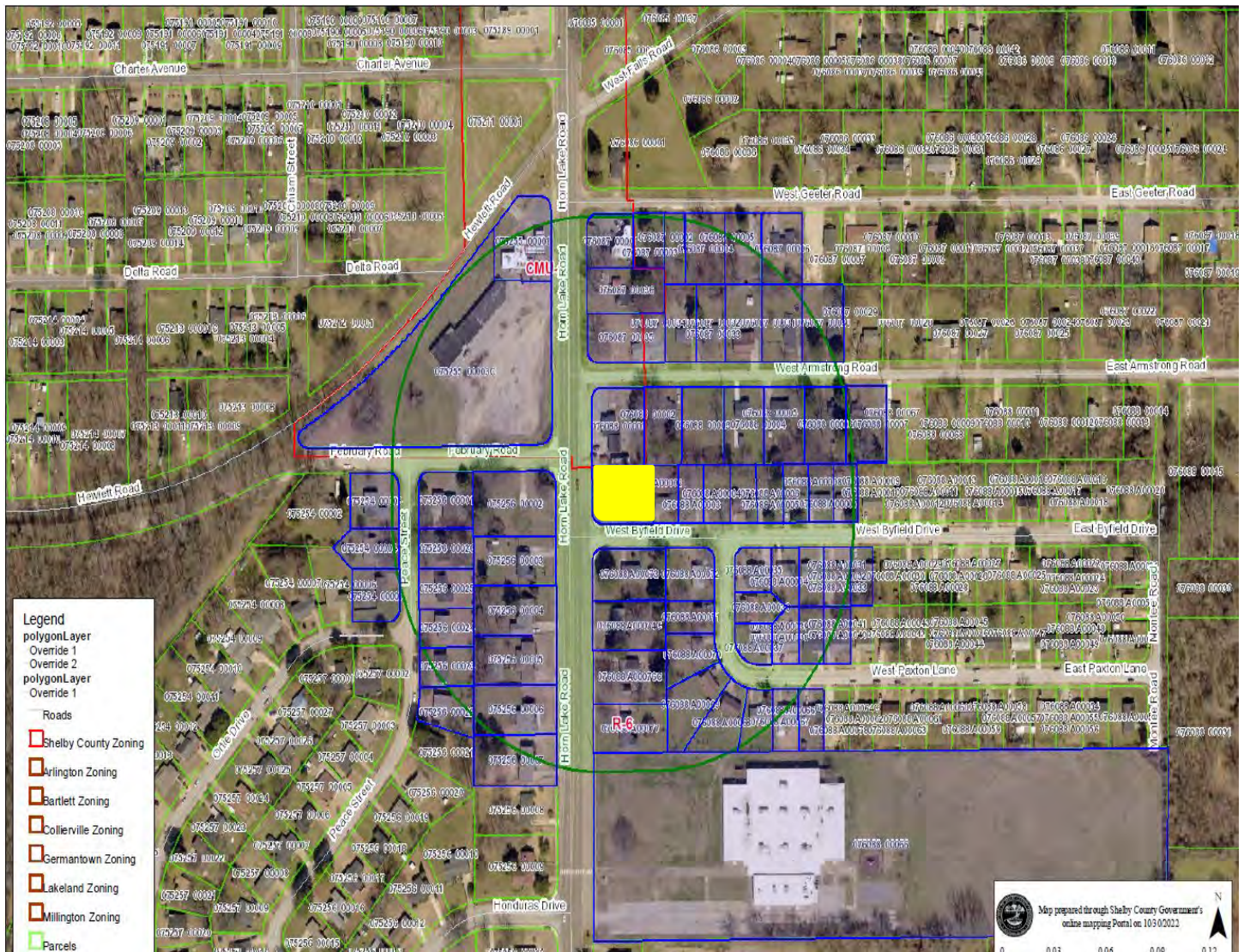
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 69 notices were mailed on March 23, 2023, and a total of 2 signs posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



Subject property located within the pink circle

VICINITY MAP



Subject property highlighted in yellow

AERIAL



Subject property outlined in yellow

ZONING MAP



Subject property highlighted in yellow

Existing Zoning: Residential Single-Family – 6 (R-6)

Surrounding Zoning

North: CMU-1

East: R-6

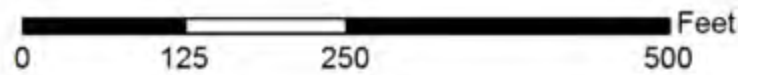
South: R-6

West: R-6

LAND USE MAP



LandUse



 SINGLE-FAMILY	 OFFICE
 MULTI-FAMILY	 INDUSTRIAL
 INSTITUTIONAL	 PARKING
 COMMERCIAL	 VACANT
 RECREATIONAL / OPEN SPACE	



Subject property outlined in electric blue indicated by a pink star

SITE PHOTOS

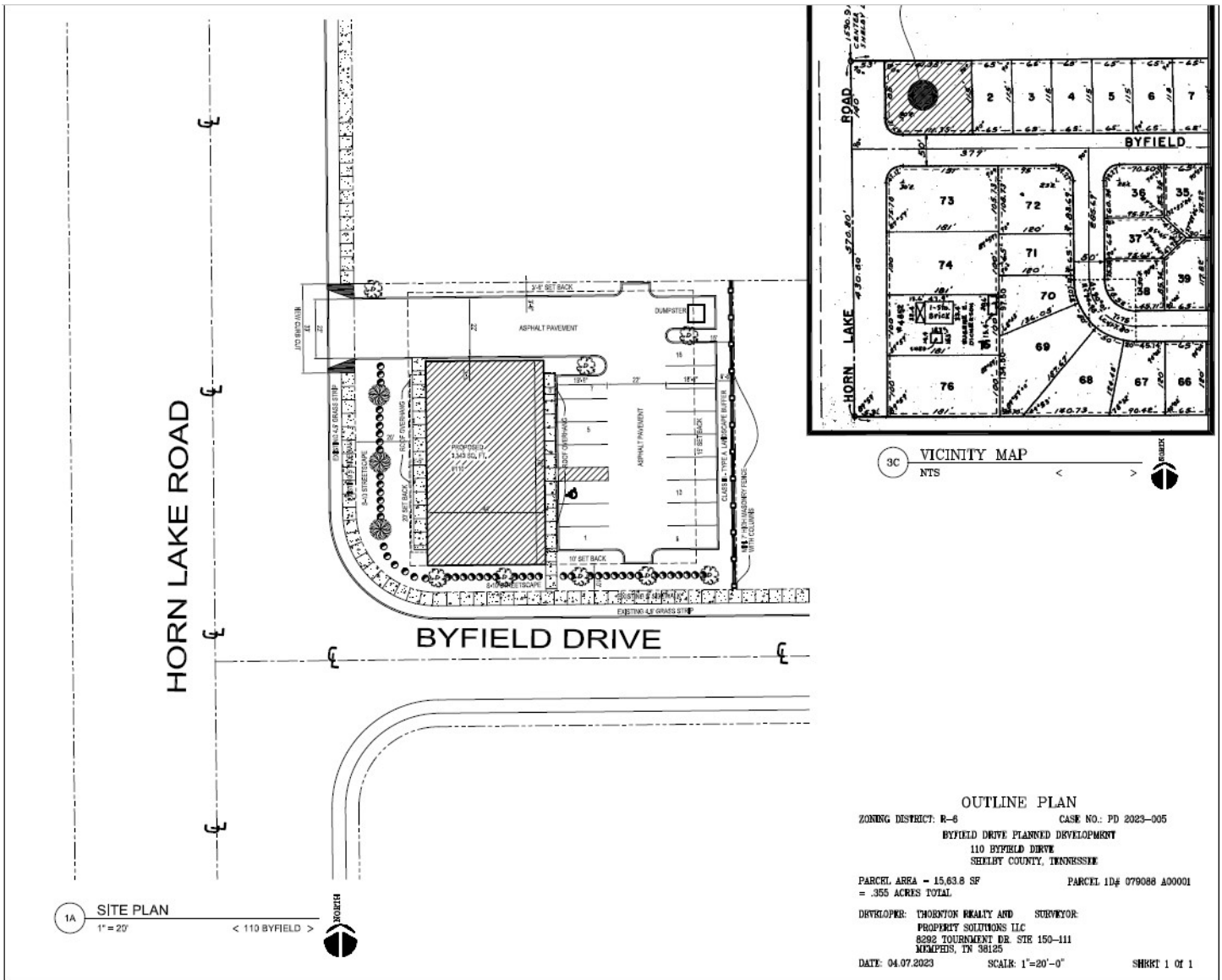


View of subject property from Horn Lake Rd. looking east

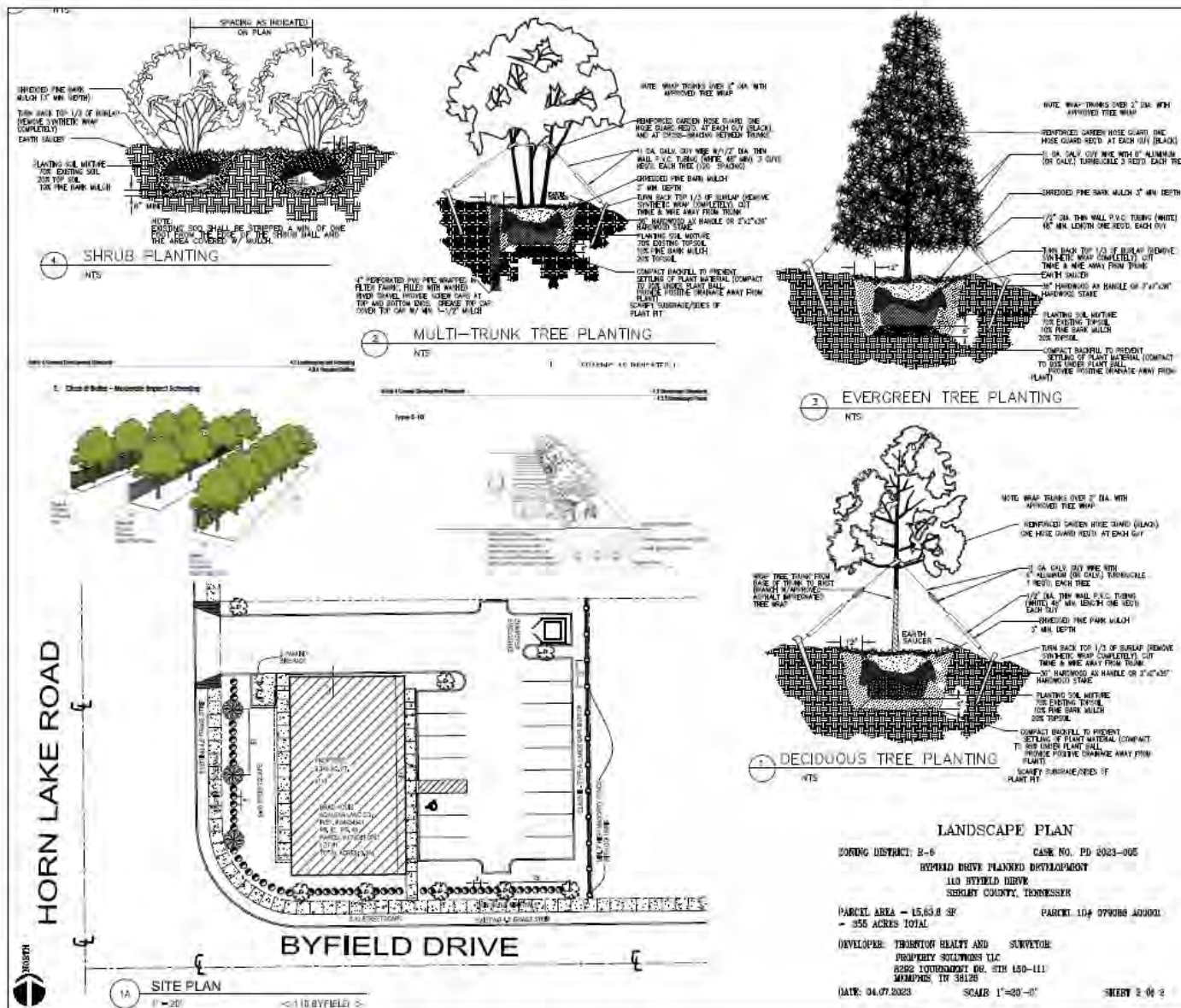


View of subject property from W Byfield looking north

OUTLINE PLAN



LANDSCAPE PLAN



STAFF ANALYSIS

Request

The application planned development general provisions, and letter of intent have been added to this report.

The request is for a Planned Development to include Retail Shopping Center use that is permitted in CMU-1, where the current zoning is Residential – 6 (R-6).

Applicability

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

4.10.2 Applicability

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

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

General Provisions

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

4.10.3 General Provisions

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

contained in this Chapter.

- A. *The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.*
- B. *An approved water supply, community wastewater treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development.*
- C. *The location and arrangement of the structures, parking areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses, and any part of the proposed development not used for structures, parking and loading areas or access way shall be landscaped or otherwise improved except where natural features are such as to justify preservation.*
- D. *Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein and are not inconsistent with the public interest.*
- E. *Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements.*
- F. *Lots of record are created with the recording of a planned development final plan.*

Commercial or Industrial Criteria

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

4.10.5 Planned Commercial or Industrial Developments

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

- A. *Screening*
When commercial or industrial structures or uses in a planned commercial or industrial development abut a residential district or permitted residential buildings in the same development, screening may be required by the governing bodies.
- B. *Display of Merchandise*
All business, manufacturing and processing shall be conducted, and all merchandise and materials shall be displayed and stored, within a completely enclosed building or within an open area which is completely screened from the view of adjacent properties and public rights-of-way, provided, however, that when an automobile service station or gasoline sales are permitted in a planned commercial development, gasoline may be sold from pumps outside of a structure.
- C. *Accessibility*
The site shall be accessible from the proposed street network in the vicinity which will be adequate to carry the anticipated traffic of the proposed development. The streets and driveways on the site of the proposed development shall be adequate to serve the enterprises located in the proposed development.
- D. *Landscaping*
Landscaping shall be required to provide screening of objectionable views of uses and the reduction

of noise. High-rise buildings shall be located within the development in such a way as to minimize any adverse impact on adjoining low-rise buildings.

Approval Criteria

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

9.6.9 Approval Criteria

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

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

Site Description

The subject property is +/- .355 acres located 110 Byfield Drive at the corner of Horn Lake Rd and Byfield. The site is currently zoned Residential – 6 (R-6) and it is vacant lot.

Comprehensive Planning Review of Memphis 3.0 Consistency

This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: LUCB PD 23-05 Whitehaven

Site Address/Location: 110 Byfield Dr.

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

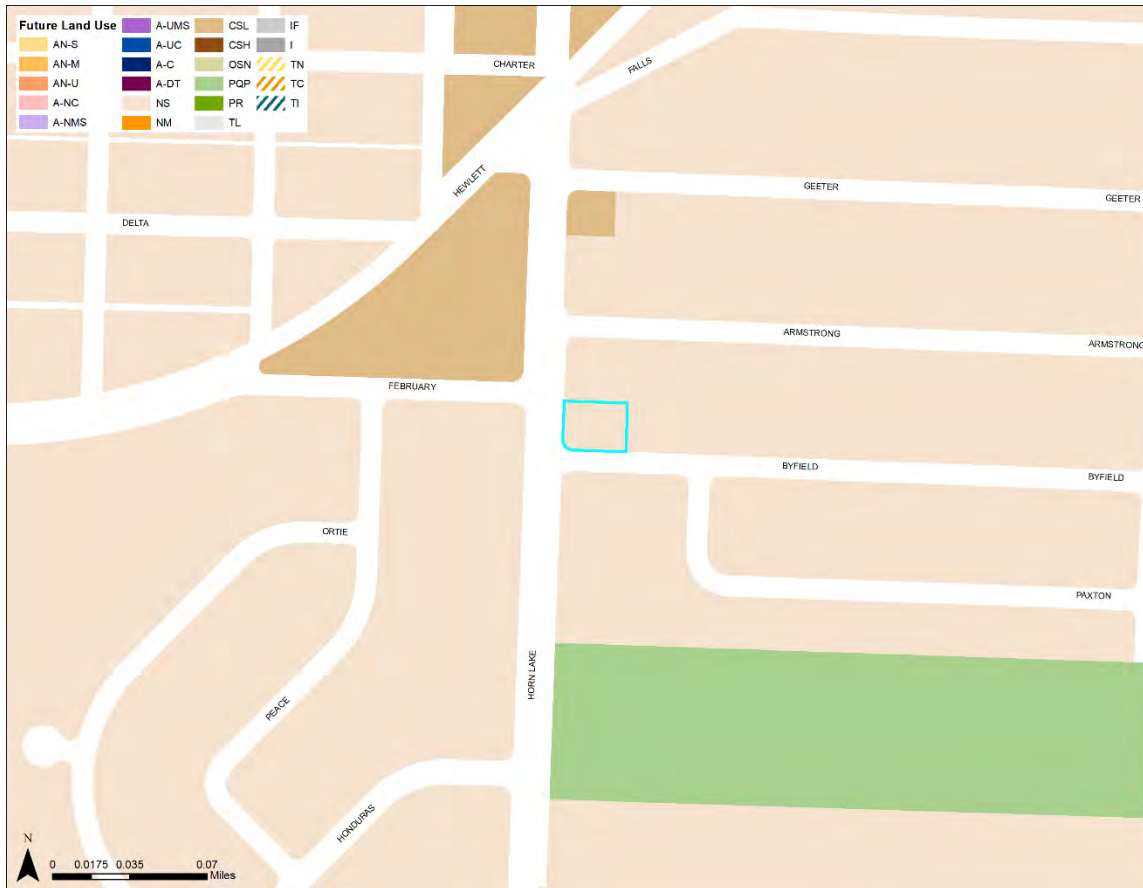
Future Land Use Designation: Primarily Single-Unit Neighborhood (NS)

Street Type: Avenue

The applicant is requesting a planned development with the intention of constructing a small shopping center.

The following information about the land use designation can be found on pages 76 – 122:

1. Future Land Use Planning Map



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

2. Land Use Description/Intent

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



consisting Graphic

“NS” Form & Location Characteristics

Primarily detached, House scale buildings, primarily residential, 1 – 3 stories; Beyond ½ mile from a Community Anchor

“NS” Zoning Notes

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

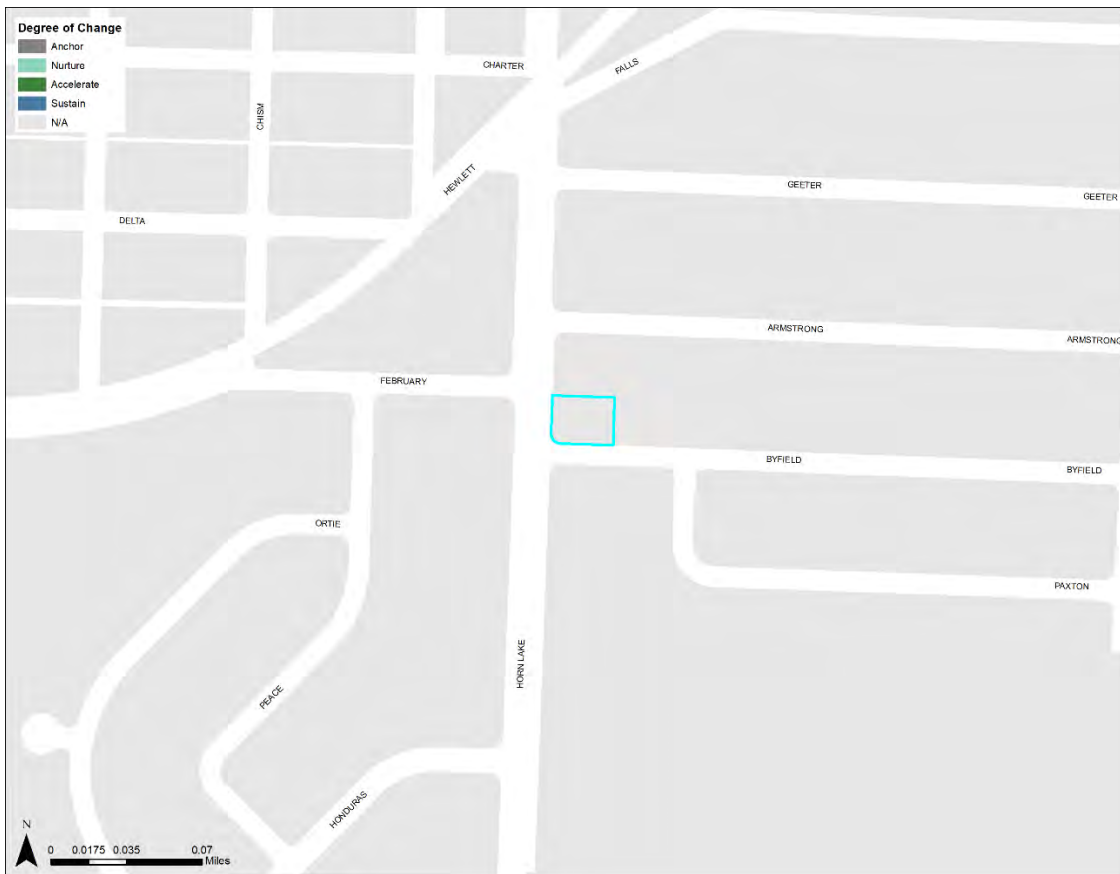
Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Vacant, R-6

Adjacent Land Use and Zoning: Office and Single-Family; R-6, CMU-1

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

Degree of Change Map



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

3. Degree of Change Description

N/A

4. Objectives/Actions Consistent with Goal 1, Complete, Cohesive, Communities

N/A

5. Pertinent Sections of Memphis 3.0 that Address Land Use Recommendations

N/A

Consistency Analysis Summary

The applicant is requesting a planned development with the intention of constructing a small shopping center. This requested use is not compatible with the land use description/intent, form & location characteristics, and zoning notes.

However, it is consistent with adjacent land use and zoning. Additionally, the subject site is directly south of existing CMU-1 zoning and a commercial use. Therefore, the request is consistent.

Based on the information provided, the proposal is CONSISTENT with the Memphis 3.0 Comprehensive Plan.

Summary Compiled by: Bradyn Carson, Comprehensive Planning.

Conclusions

The applicant is requesting a planned development of +/- .355 acres to include Retail Shopping Center use that is permitted in CMU-1, where the current zoning is Residential – 6 (R-6).

The purpose of this request is to develop a small retail shopping center with at least 3 to 4 rental spaces.

This requested use is not compatible with the future land use description/intent, form & location characteristics and zoning notes as the proposed use is residential rather than commercial. However, the existing, adjacent land use to the north side of the parcel is zoned CMU-1.

The subject property is vacant at this time.

RECOMMENDATION

Staff recommends approval with outline plan conditions.

OUTLINE PLAN CONDITIONS

- I. Permitted Uses
 - A. Any use permitted by right in the Commercial Mixed Use - 1 (CMU-1) District including the following specifically permitted uses.
 1. All offices
 2. Medical, Dental or Chiropractic Clinic/Office, massage therapy, or outpatient surgery center
 3. Pharmacy
 4. Bakery, retail
 5. Hair, nail, tanning, massage therapy and personal care service, barber shop or beauty salon
 6. Medical or Dental Laboratory
 - B. The following uses are strictly prohibited.
 1. Payday loans, title loans and flexible loan plan establishments
 2. Vehicle service and repair
 3. Microbrewery and micro distillery
 4. Farmers Market
 5. Tattoo, Palmist, Psychic or Medium
 6. Retail Sales Outdoor (vendor), Flea market
 7. Smoke shop
 8. All Vehicle Sales, Rental, Leasing

9. Vehicle parts and accessories
10. Indoor multi-story
11. Vehicle wash establishment
12. All Vehicle Service
13. Lumberyard and wood products
14. Neighborhood Garden
15. Radio, TV, or Recording Studio
16. All other funeral establishments, including crematorium and pet crematorium
17. CMCS tower and facilities
18. Amateur Radio Operator Tower (65' or less)
19. All minor utilities
20. Light manufacturing or assembly of equipment, instruments, or goods
21. Reservoir, Control Structure, Water Supply, Water Well
22. Recreation Field with or without lights
23. All parks and open areas
24. Restaurant with sale of alcoholic beverages, Brew Pub
25. Restaurant, Drive-in
26. Animal Boarding, Animal Shelter, Kennel, Doggy Day Care
27. Cemetery, Mausoleum, Columbarium, Memorial Park
28. Group Living
29. Convenience store with gas pumps, Gas station, Commercial electric vehicle charge station
30. Restaurant, Drive-in

II. Bulk Regulations

- A. The development shall comply with the bulk requirements of the Commercial Mixed Use - 1 (CMU-1) District.

III. Access, Parking and Circulation

- A. One curb cut permitted on Horn Lake Road.
- B. The design and location of the curb cut shall be approved by the City Engineer.
- C. The minimum sight distance and geometry requirements for public streets shall comply with the Unified Development Code.
- D. All required parking shall be as illustrated on the final plat. No parking shall be allowed on any adjacent lots or parcels.
- E. A standard subdivision contract.
- F. The exact location, number and dimension of all parking spaces and access drive.

IV. Drainage

- A. Drainage improvements, including possible on-site detention, to be provided under contract in accordance with the City of Memphis Drainage Design Manual.
- B. All drainage plans shall be subject to the City/County Engineer's Office review and approval.
- C. All drainage emanating on-site shall be private in nature and no easements will be accepted.

- D. All commons, open areas, private streets, private sewers, and private drainage shall be owned and maintained by a property owners association. A statement to this effect shall appear on the final plat.

V. Landscaping

- A. Landscaping shall be provided as illustrated on the Outline Plan.
- B. Dumpsters shall be enclosed on all four sides with wood, brick, or other solid materials as approved by the Office of Planning and Development.
- C. Lighting shall be directed so as to not glare onto residential property or onto traffic on Malone Road.

VI. Signs

- A. Signage shall be in conformance with the CMU-1 District regulations.

- VII. The Land Use Control Board may modify the bulk, access, parking, landscaping, and sign requirements if equivalent alternatives are presented; provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder may, within ten days of such action, file a written appeal to the Director of the Office of Planning and Development, to have such action reviewed by the appropriate Governing Bodies.

- VIII. A final plan shall be filed within five (5) years of approval of the outline plan. The Land Use Control Board may grant extensions at the request of the applicant.

- IX. A final site plan will be submitted for administrative approval to finalize the elevations, building materials, circulation, landscaping, parking, location of the building, etc.

X. Any final plan shall include the following:

- A. The outline plan conditions.
- B. A standard subdivision contract as defined by the Subdivision Regulations for any needed public improvements.
- C. The exact location and dimensions, including height of all building or buildable areas, parking areas, drives, loading spaces and facilities, required landscaping, trash receptacles and signs.
- D. The number of parking spaces.
- E. The location and ownership, whether public or private, of any easement.
- F. A statement conveying all common facilities and areas to a property owners association, or other entity, for ownership and maintenance purposes.
- G. The 100-year flood elevation.
- H. Fire hydrants in accordance with requirements of the Memphis Fire Department.

DEPARTMENTAL COMMENTS

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

City/County Engineer:

DATE: 4/6/2023

CASE: PD 23-005

NAME: Byfield Drive Planned Development

Roads:

1. The Developer shall be responsible for the repair and/or replacement of all existing curb and gutter along the frontage of this site as necessary.

2. All existing sidewalks and curb openings along the frontage of this site shall be inspected for ADA compliance. The developer shall be responsible for any construction, reconstruction, or repair necessary to meet City standards.

Traffic Control Provisions:

3. The developer shall provide a traffic control plan to the city engineer that shows the phasing for each street frontage during demolition and construction of curb gutter and sidewalk. Upon completion of sidewalk and curb and gutter improvements, a minimum 5-foot-wide pedestrian pathway shall be provided throughout the remainder of the project. If the existing right of way width does not allow for a 5-foot clear pedestrian path, an exception may be considered.

4. Any closure of the right of way shall be time limited to the active demolition and construction of sidewalks and curb and gutter. Continuous unwarranted closure of the right of way shall not be allowed for the duration of the project. The developer shall provide on the traffic control plan, the time needed per phase to complete that portion of the work. Time limits will begin on the day of closure and will be monitored by the Engineering construction inspectors on the job.

5. The developer's engineer shall submit a Trip Generation Report that documents the proposed land use, scope and anticipated traffic demand associated with the proposed development. A detailed Traffic Impact Study will be required when the accepted Trip Generation Report indicates that the number for projected trips meets or exceeds the criteria listed in Section 210-Traffic Impact Policy for Land Development of the City of Memphis Division of Engineering Design and Policy Review Manual. Any required Traffic Impact Study will need to be formally approved by the City of Memphis, Traffic Engineering Department.

Curb Cuts/Access:

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

City/County Fire Division:

No comments received.

City Real Estate:

No comments received.

City/County Health Department:

No comments received.

Shelby County Schools:

No comments received.

Construction Code Enforcement: No comments received.

Memphis Light, Gas and Water: No comments received.

Office of Sustainability and Resilience: No comments received.

Office of Comprehensive Planning: SEE PAGES 14-17

APPLICATION

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

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

**LAND USE CONTROL BOARD PLANNED DEVELOPMENT APPLICATION
TO FILE ONLINE USE THE [DEVELOP 901 CITIZEN PORTAL](#)**

Date: 2/16/2023

Previous Case/Docket #: Z 2022-011

PLEASE TYPE OR PRINT

Property Owner of Record: THORNTON REALTY AND PROPERTY SOLUTIONS Phone #: 901-485-9655

Mailing Address: 8295 TOURNAMENT DR City/State: MEMPHIS Zip: 38125

Property Owner Email Address: _____

Applicant: THORNTON REALTY AND PROPERTY SOLUTIONS Phone #: 901-485-9655

Mailing Address: 2570 OVERLOOK DRIVE City/State: GERMANTOWN, TN Zip: 38138

Applicant Email Address: _____

Representative: DELINOR SMITH, SMITH BUILDING DESIGN AND ASSOCIATES Phone #: 901-690-3944

Mailing Address: 3831 LAKEHURST DRIVE City/State: MEMPHIS Zip: 38128

Representative Email Address: dsmith920@comcast.net

Architect/Engineer/Surveyor: _____ Phone #: _____

Mailing Address: _____ City/State: _____ Zip: _____

Architect/Engineer/Surveyor Email Address: _____

PREMISES LOCATION (Describe by street address & directional location description, e.g. 200 Johnson Street, North side of Johnson Street, 100 feet east of Brown Street): 110 BYFIELD DRIVE AT THE CORNER OF BYFIELD AND HORN LAKE ROAD

Parcel ID: 076088 A00001

Project Name: BYFIELD PLANNED DEVELOPMENT

Project Description: PLANNED DEVELOPMENT TO INCLUDE RETAIL SHOPPING CENTER USE THAT IS PERMITTED IN CMU-1, WHERE THE CURRENT ZONING IS R-6

Did you have a pre-application meeting with the Division of Planning and Development (DPD)?

Planner: TERESA SHELTON Date of Meeting: 10/05/2022

Type of Planned Development (PD) (check one)? New PD Amendment to Existing PD

Is the development located within the Medical Overlay District or Uptown Special Purpose District (Note these areas do not permit new planned developments)? NO (yes or no)

If this development is located in unincorporated Shelby County, is the tract at least three acres (Note a tract of less than three acres is not eligible for a planned development in unincorporated Shelby County)? NO (yes, no, or n/a)

	Area A	Area B	Area C
Acres:	<u>0.355</u>	_____	_____
Existing Use of Property:	<u>R-6</u>	_____	_____
Requested Use of Property:	<u>CMU-1</u>	_____	_____

Is this application in response to a citation, stop work order, or zoning letter? NO (yes or no)

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

APPROVAL CRITERIA (UDC Section 9.6.9)

No planned development shall be approved unless the following findings are made concerning the application:

A) The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare: The project will not have undue adverse effects upon adjacent properties, the character of

the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and the general welfare.

B) The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations:

This project will be compatible with the use of adjacent properties along Horn Lake Road.

C) The project will be served adequately by essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection and emergency services, water and sewers; or that the applicant will provide adequately for such services: The public facilities and services are adequate and will meet the needs for this project.

D) The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic or historic importance: This project will not have any negative affects on any feature that the governing bodies determined to be of significant natural, scenic of historic importance.

E) The project complies with all additional standards imposed on it by any particular provisions authorizing such use: This project shall be constructed and operated according to all prevailing local codes and state regulations governing this type of business.

F) The request will not adversely affect any plans to be considered (see Chapter 1.9), or violate the character of existing standards for development of the adjacent properties: This project will not affect any plans to be considered, or violate the character of existing standards for development of the adjacent properties.

GENERAL PROVISIONS (UDC Section 4.10.3)

No planned development shall be approved unless the following findings are made concerning the application:

A) The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County: This development will not injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current policies and plans of the City and County.

B) An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development: All public facilities are adequate for this type of business.

- C) The location and arrangement of the structures, parking and loading areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses, and any part of the proposed development not used for such facilities shall be landscaped or otherwise improved except where natural features are such as to justify preservation: A site plan shall be submitted for approval to satisfy the parking, lighting, landscaping, required buffers and streetscapes.

- D) Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest: Any modifications to the district standards shall be submitted to the governing boards for approval before constructing.

- E) Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements: The owner shall be responsible for the maintenance of the structure and property.
- F) Lots of record are created with the recording of a planned development final plan: Once the request is approved the final plat shall be recorded.

LETTER OF INTENT

2/16/2023

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

RE: 110 Byfield Dr.

Dear Brett:

On behalf of the applicant, Mrs. Vernita Thornton, Thornton Realty and Property Solutions, LLC., we are requesting a Planned Development in a Residential Single Family - 6 (R-6) zoning district to build a small retail shopping center with 3 to 4 rental spaces.

The proposed planned development of the subject property is to build a small retail shopping center and will be in accordance with the four already existing properties along Horn Lake Road that are currently zoned CMU-1, with one of the properties known as, "T's Tires located at 4804 Horn Lake Rd which is adjacent to the subject property. We do not feel that this will impair nor will have a detrimental effect on the surrounding neighborhood but will enhance the neighborhood by bringing more retail to the area. I have attached photos of the properties that are already zoned CMU-1 in this area.

We are asking that you please consider this letter of intent as our formal request for this re-zoning of this property.

Thank you,



Delinor Smith, Smith Building Design and Associates

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, DELINOR SMITH, being duly sworn, depose and say that at 6:30pm am/pm on the 28 day of MARCH, 2023, I posted a Public Notice Sign(s) pertaining to Case No. PD 2023-005 at 110 BYFIELD ROAD (address) providing notice of a Public Hearing before the X Land Use Control Board, X Memphis City Council, Shelby County Board of Commissioners for consideration of a proposed Land Use Action (X Planned Development, Special Use Permit, Use Variance, Zoning District Map Amendment), a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

Delnor Smith
Owner, Applicant or Representative

3-29-2023
Date

Subscribed and sworn to before me this 29 day of March, 2023.

Shane Roe
Notary Public

MY COMMISSION EXPIRES MAY 17, 2026

My commission expires: _____



LETTERS RECEIVED

One letter of opposition was received at the time of completion of this report and have subsequently been attached.

From: [Nina G](#)
To: [Shelton, Teresa](#)
Subject: Re: 71 W Byfield Dr
Date: Tuesday, April 04, 2023 8:54:36 PM
Attachments: [Outlook-gm1mb0mu.png](#)
[Outlook-ghqgrgh2w.png](#)
[Outlook-mu1yrkp.png](#)
[Outlook-ta3hebyo.png](#)

CAUTION: This email originated outside of the City of Memphis organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To Whom It May Concern:

I own 71 W Byfield Dr 38109.

I am writing to state my opposition to the following:
Planned Development in a Residential Single Family - 6 (R-6) zoning district to build a small retail shopping center with 3 to 4 rental spaces.

The reasons include noise, traffic, lower property value, and the potential for increased crime. I prefer to maintain the area as a single-family residential.

Thank you for hearing my concerns.

Soawanee Greene

On Mon, Apr 3, 2023 at 10:40 AM Shelton, Teresa <Teresa.Shelton@memphistn.gov> wrote:

An email is sufficient.


 Teresa Shelton
Municipal Planner
Land Use and Development Services
Division of Planning and Development
125 N. Main, Ste. 468 Memphis, TN 38103
Phone: 901-636-6621
Email: teresa.shelton@memphistn.gov



Visit our [website](#)

From: Nina G <greenemangoes@gmail.com>
Sent: Monday, April 3, 2023 9:33 AM
To: Shelton, Teresa <Teresa.Shelton@memphistn.gov>

From: [Denise S. Richardson](#)
To: [Shelton, Teresa](#)
Subject: PD 23-005 110 Byfield
Date: Thursday, April 6, 2023 3:18:31 PM

 The CoM Email Security System couldn't recognize this email as this is the first time you received an email from this sender deniserich7.rev@gmail.com

CAUTION: This email originated outside of the City of Memphis organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I and my neighbors are in complete opposition to this planned Development to build a retail shopping center with 3-4 rental spaces for the following reasons:

It will cause dangerous traffic congestion. The speed limit is already at 45 on this street. Most people actually already travel 55.

The lot is too small to accomodate sufficient parking, ingress and egress.


We, the homeowners and inhabitants of this community have not been made aware of the types of businesses allowed in this small space.

It may bring an undesirable transient group of people to the area which exposes us to more crime.

Please vote no on this proposal.

Sincerely,

Joyce Springfield Collins
4859 Horn Lake Road

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

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

April 17, 2023

Thornton Realty and Property Solutions
110 Byfield Dr.
Memphis, TN 38109

Sent via electronic mail to: dsmith920@comcast.net

Byfield Drive Planned Development
Case Number: PD 23-005
LUCB Recommendation: Approval with outline plan conditions

Dear applicant,

On Thursday, April 13, 2023, the Memphis and Shelby County Land Use Control Board recommended **approval** of your planned development application for the Byfield Drive Planned Development, subject to the attached outline plan conditions.

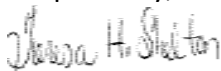
This application will be forwarded, for final action, to the Council of the City of Memphis. The Council will review your application in a committee meeting prior to voting on it in a public hearing. The applicant or the applicant's representative(s) shall be in attendance at all meetings and hearings.

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

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

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

Respectfully,



Teresa Shelton
Municipal Planner
Land Use and Development Services

Letter to Applicant
PD 23-005

Division of Planning and Development

Cc: Delinor Smith, Smith Building Design and Associates
File

Letter to Applicant

PD 23-005

Outline Plan Conditions

I. Permitted Uses

A. Any use permitted by right in the Commercial Mixed Use - 1 (CMU-1) District including the following specifically permitted uses.

1. All offices
2. Medical, Dental or Chiropractic Clinic/Office, massage therapy, or outpatient surgery center
3. Pharmacy
4. Bakery, retail
5. Hair, nail, tanning, massage therapy and personal care service, barber shop or beauty salon
6. Medical or Dental Laboratory

B. The following uses are strictly prohibited.

1. Payday loans, title loans and flexible loan plan establishments
2. Vehicle service and repair
3. Microbrewery and micro distillery
4. Farmers Market
5. Tattoo, Palmist, Psychic or Medium
6. Retail Sales Outdoor (vendor), Flea market
7. Smoke shop
8. All Vehicle Sales, Rental, Leasing
9. Vehicle parts and accessories
10. Indoor multi-story
11. Vehicle wash establishment
12. All Vehicle Service
13. Lumberyard and wood products
14. Neighborhood Garden
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16. All other funeral establishments, including crematorium and pet crematorium
17. CMCS tower and facilities
18. Amateur Radio Operator Tower (65' or less)
19. All minor utilities
20. Light manufacturing or assembly of equipment, instruments, or goods
21. Reservoir, Control Structure, Water Supply, Water Well
22. Recreation Field with or without lights
23. All parks and open areas
24. Restaurant with sale of alcoholic beverages, Brew Pub
25. Restaurant, Drive-in
26. Animal Boarding, Animal Shelter, Kennel, Doggy Day Care
27. Cemetery, Mausoleum, Columbarium, Memorial Park
28. Group Living
29. Convenience store with gas pumps, Gas station, Commercial electric vehicle charge station

30. Restaurant, Drive-in

- II. Bulk Regulations
 - A. The development shall comply with the bulk requirements of the Commercial Mixed Use - 1 (CMU-1) District.

- III. Access, Parking and Circulation
 - A. One curb cut permitted on Horn Lake Road.
 - B. The design and location of the curb cut shall be approved by the City Engineer.
 - C. The minimum sight distance and geometry requirements for public streets shall comply with the Unified Development Code.
 - D. All required parking shall be as illustrated on the final plat. No parking shall be allowed on any adjacent lots or parcels.
 - E. A standard subdivision contract.
 - F. The exact location, number and dimension of all parking spaces and access drive.

- IV. Drainage
 - A. Drainage improvements, including possible on-site detention, to be provided under contract in accordance with the City of Memphis Drainage Design Manual.
 - B. All drainage plans shall be subject to the City/County Engineer's Office review and approval.
 - C. All drainage emanating on-site shall be private in nature and no easements will be accepted.
 - D. All commons, open areas, private streets, private sewers, and private drainage shall be owned and maintained by a property owners association. A statement to this effect shall appear on the final plat.

- V. Landscaping
 - A. Landscaping shall be provided as illustrated on the Outline Plan.
 - B. Dumpsters shall be enclosed on all four sides with wood, brick, or other solid materials as approved by the Office of Planning and Development.
 - C. Lighting shall be directed so as to not glare onto residential property or onto traffic on Malone Road.

- VI. Signs
 - A. Signage shall be in conformance with the CMU-1 District regulations.

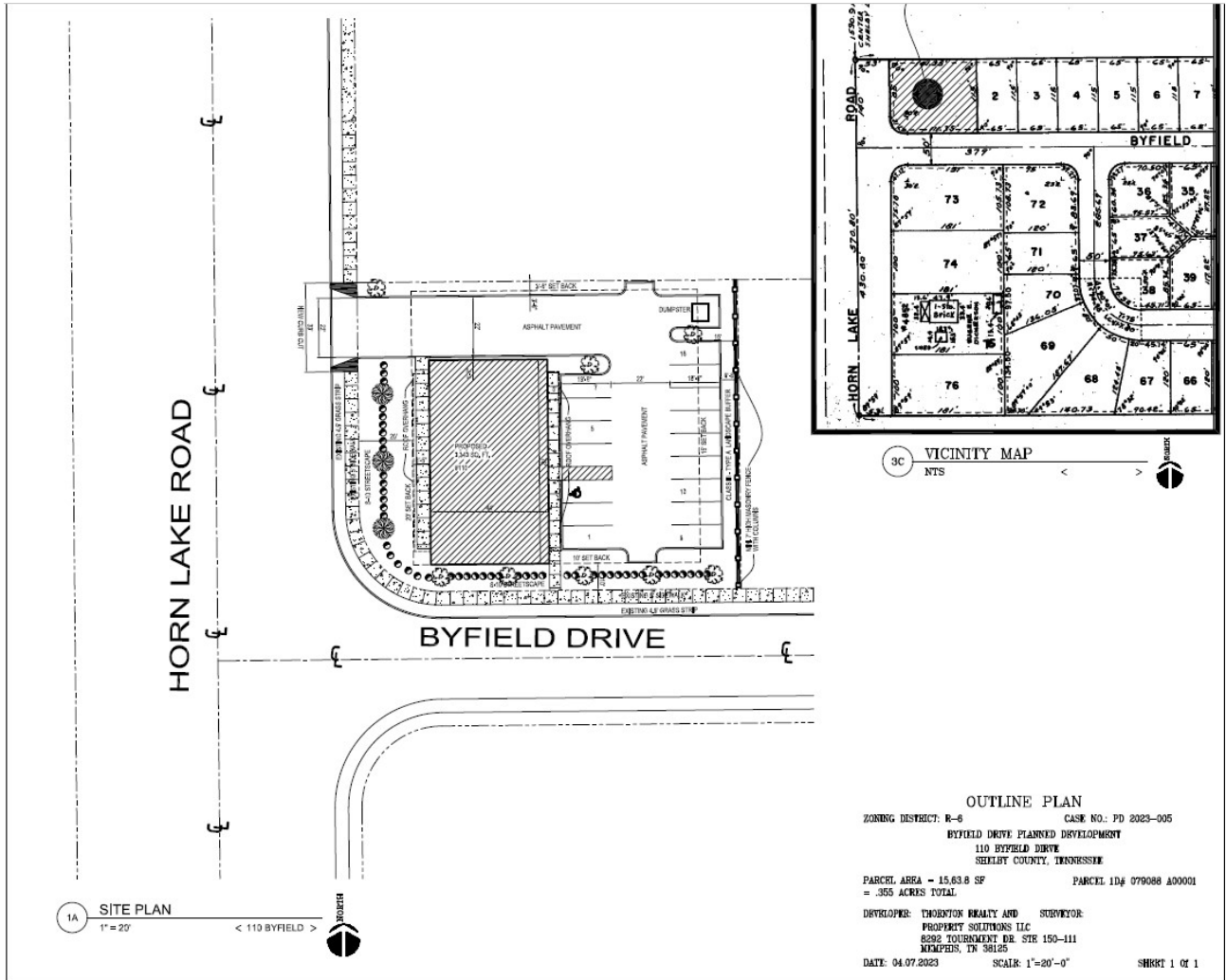
- VII. The Land Use Control Board may modify the bulk, access, parking, landscaping, and sign requirements if equivalent alternatives are presented; provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder may, within ten days of such action, file a written appeal to the Director of

Letter to Applicant
PD 23-005

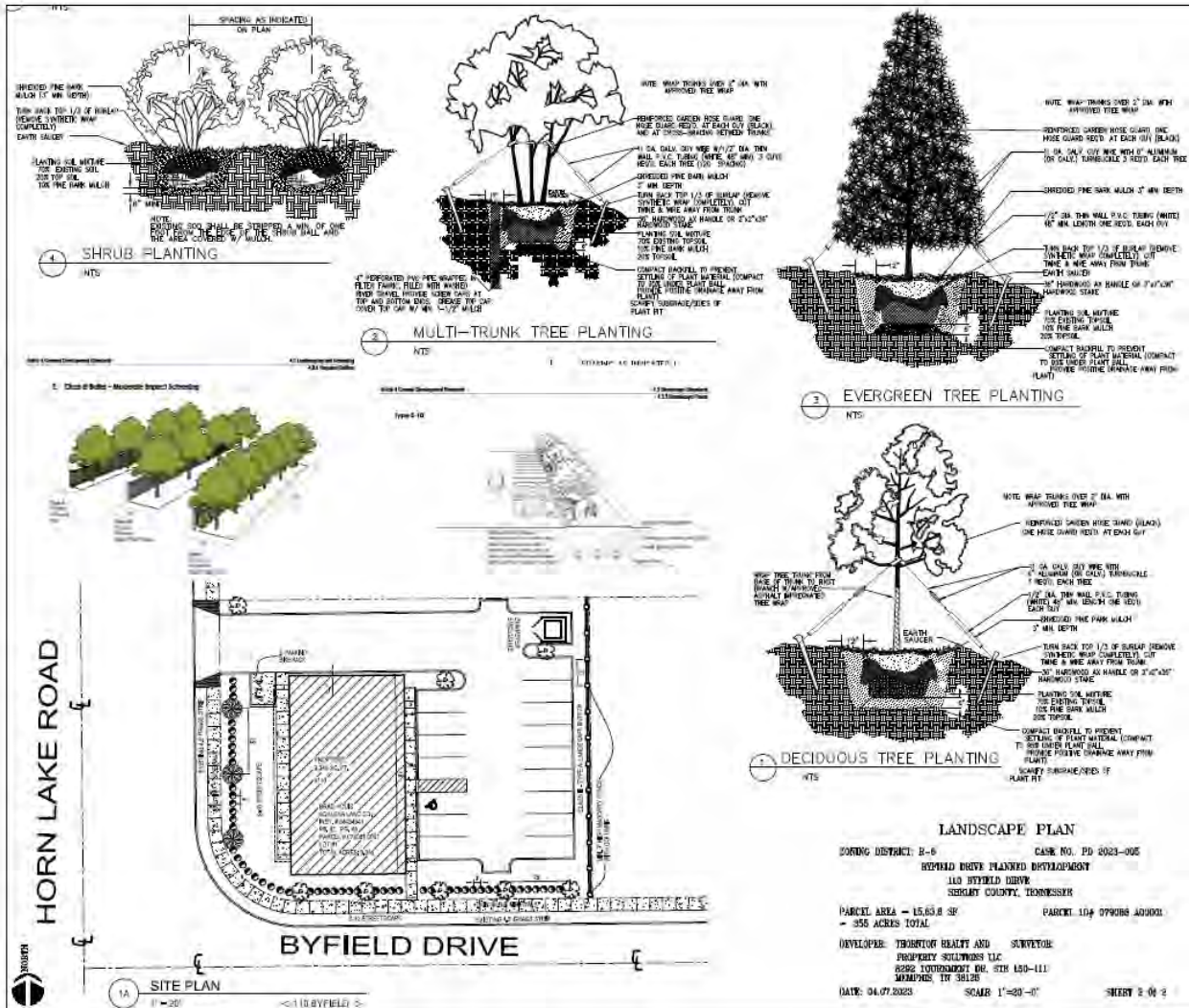
the Office of Planning and Development, to have such action reviewed by the appropriate Governing Bodies.

- VIII. A final plan shall be filed within five (5) years of approval of the outline plan. The Land Use Control Board may grant extensions at the request of the applicant.
- IX. A final site plan will be submitted for administrative approval to finalize the elevations, building materials, circulation, landscaping, parking, location of the building, etc.
- X. Any final plan shall include the following:
 - A. The outline plan conditions.
 - B. A standard subdivision contract as defined by the Subdivision Regulations for any needed public improvements.
 - C. The exact location and dimensions, including height of all building or buildable areas, parking areas, drives, loading spaces and facilities, required landscaping, trash receptacles and signs.
 - D. The number of parking spaces.
 - E. The location and ownership, whether public or private, of any easement.
 - F. A statement conveying all common facilities and areas to a property owners association, or other entity, for ownership and maintenance purposes.
 - G. The 100-year flood elevation.
 - H. Fire hydrants in accordance with requirements of the Memphis Fire Department.

OUTLINE PLAN



LANDSCAPE PLAN





Record Summary for Planned Development

Record Detail Information

Record Type: Planned Development

Record Status: Assignment

Opened Date: November 28, 2022

Record Number: PD 2023-005

Expiration Date:

Record Name: 110 Byfield Drive Re-zoning

Description of Work: The request is to re-zone +/-0.355 acres from Residential Single Family - 6 (R-6) to Commercial Mixed Use - 1 to build a small retail shopping center with 3 to 4 rental spaces.

Parent Record Number:

Address:

110 BYFIELD DR, MEMPHIS 38109

Owner Information

Primary	Owner Name
Y	THORNTON REALTY AND PROPERTY SOLUTIONS

Owner Address	Owner Phone
8295 TOURNAMENT DR, MEMPHIS, TN 38125	

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner	Teresa Shelton
Date of Meeting	10/05/2022
Pre-application Meeting Type	-

GENERAL PROJECT INFORMATION

Planned Development Type	-
Previous Docket / Case Number	-
Medical Overlay / Uptown	-

GENERAL PROJECT INFORMATION

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

Is this application in response to a citation, stop work order, or zoning letter -

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

APPROVAL CRITERIA

UDC Sub-Section 9.6.9A -

UDC Sub-Section 9.6.9B -

UDC Sub-Section 9.6.9C -

UDC Sub-Section 9.6.9D -

UDC Sub-Section 9.6.9E -

UDC Sub-Section 9.6.9F -

GENERAL PROVISIONS

UDC Sub-Section 4.10.3A -

B) An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development -

C) The location and arrangement of the structures, parking and loading areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses, and any part of the proposed development not used for such facilities shall be landscaped or otherwise improved except where natural features are such as to justify preservation -

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

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

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

GIS INFORMATION

Central Business Improvement District No

Case Layer -

Class R

GIS INFORMATION

Downtown Fire District No
Historic District -
Land Use VACANT
Municipality MEMPHIS
Overlay/Special Purpose District -
Zoning R-6
State Route -
Lot 0 1
Subdivision WILSHIRE OAKS TERRACE
Planned Development District -
Wellhead Protection Overlay District -

Contact Information

Name THORNTON REALTY AND PROPERTY SOLUTIONS, LLC. **Contact Type** APPLICANT
Address 2570 OVERLOOK DRIVE, GERMANTOWN, TN, 38138
Phone (901)485-9655

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1448909	Adjustment Fee	750	750.00	INVOICED	0.00	02/14/2023
1448909	Credit Card Use Fee (.026 x fee)	1	19.50	INVOICED	0.00	02/14/2023

Total Fee Invoiced: \$769.50

Total Balance: \$0.00

Payment Information

Payment Amount \$769.50 **Method of Payment** Credit Card



**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 PLANNED DEVELOPMENT APPLICATION
TO FILE ONLINE USE THE [DEVELOP 901 CITIZEN PORTAL](#)**

Date: 2/16/2023

Previous Case/Docket #: Z 2022-011

PLEASE TYPE OR PRINT

Property Owner of Record: THORNTON REALTY AND PROPERTY SOLUTIONS Phone #: 901-485-9655

Mailing Address: 8295 TOURNAMENT DR City/State: MEMPHIS Zip: 38125

Property Owner Email Address: _____

Applicant: THORNTON REALTY AND PROPERTY SOLUTIONS Phone #: 901-485-9655

Mailing Address: 2570 OVERLOOK DRIVE City/State: GERMANTOWN, TN Zip: 38138

Applicant Email Address: _____

Representative: DELINOR SMITH, SMITH BUILDING DESIGN AND ASSOCIATES Phone #: 901-690-3944

Mailing Address: 3831 LAKEHURST DRIVE City/State: MEMPHIS Zip: 38128

Representative Email Address: dsmith920@comcast.net

Architect/Engineer/Surveyor: _____ Phone #: _____

Mailing Address: _____ City/State: _____ Zip: _____

Architect/Engineer/Surveyor Email Address: _____

PREMISES LOCATION (Describe by street address & directional location description, e.g. 200 Johnson Street, North side of Johnson Street, 100 feet east of Brown Street): 110 BYFIELD DRIVE AT THE CORNER OF BYFIELD AND HORN LAKE ROAD

Parcel ID: 076088 A00001

Project Name: BYFIELD PLANNED DEVELOPMENT

Project Description: PLANNED DEVELOPMENT TO INCLUDE RETAIL SHOPPING CENTER USE THAT IS PERMITTED IN CMU-1, WHERE THE CURRENT ZONING IS R-6

Did you have a pre-application meeting with the Division of Planning and Development (DPD)?

Planner: TERESA SHELTON Date of Meeting: 10/05/2022

Type of Planned Development (PD) (check one)? New PD Amendment to Existing PD

Is the development located within the Medical Overlay District or Uptown Special Purpose District (Note these areas do not permit new planned developments)? NO (yes or no)

If this development is located in unincorporated Shelby County, is the tract at least three acres (Note a tract of less than three acres is not eligible for a planned development in unincorporated Shelby County)? NO (yes, no, or n/a)

	Area A	Area B	Area C
Acres:	<u>0.355</u>	_____	_____
Existing Use of Property:	<u>R-6</u>	_____	_____
Requested Use of Property:	<u>CMU-1</u>	_____	_____

Is this application in response to a citation, stop work order, or zoning letter? NO (yes or no)

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

APPROVAL CRITERIA (UDC Section 9.6.9)

No planned development shall be approved unless the following findings are made concerning the application:

A) The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare: The project will not have undue adverse effects upon adjacent properties, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and the general welfare.

B) The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations: This project will be compatible with the use of adjacent properties along Horn Lake Road.

C) The project will be served adequately by essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection and emergency services, water and sewers; or that the applicant will provide adequately for such services: The public facilities and services are adequate and will meet the needs for this project.

D) The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic or historic importance: This project will not have any negative affects on any feature that the governing bodies determined to be of significant natural, scenic of historic importance.

E) The project complies with all additional standards imposed on it by any particular provisions authorizing such use: This project shall be constructed and operated according to all prevailing local codes and state regulations governing this type of business.

F) The request will not adversely affect any plans to be considered (see Chapter 1.9), or violate the character of existing standards for development of the adjacent properties: This project will not affect any plans to be considered, or violate the character of existing standards for development of the adjacent properties.

GENERAL PROVISIONS (UDC Section 4.10.3)

No planned development shall be approved unless the following findings are made concerning the application:

A) The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County: This development will not injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current policies and plans of the City and County.

B) An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development: All public facilities are adequate for this type of business.

- C) The location and arrangement of the structures, parking and loading areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses, and any part of the proposed development not used for such facilities shall be landscaped or otherwise improved except where natural features are such as to justify preservation: A site plan shall be submitted for approval to satisfy the parking, lighting, landscaping, required buffers and streetscapes.
-
-
-
- D) Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest: _____
Any modifications to the district standards shall be submitted to the governing boards for approval before constructing.
-
-
-
- E) Homeowners’ associations or some other responsible party shall be required to maintain any and all common open space and/or common elements: _____
The owner shall be responsible for the maintenance of the structure and property.
- F) Lots of record are created with the recording of a planned development final plan: Once the request is approved the final plat shall be recorded.

LAND USE CONTROL BOARD PLANNED DEVELOPMENT APPLICATION GUIDE

To file online use the Develop 901 Citizen Portal: www.aca-prod.accela.com/SHELBYCO/Default

GENERAL INFORMATION

UNIFIED DEVELOPMENT CODE (UDC) REFERENCES FOR PLANNED DEVELOPMENTS:

- a) Planned Development – UDC Chapter 9.6 and Section 9.6.11
- b) Planned Development Amendment – UDC Paragraph 9.6.11E(1)

PRE-APPLICATION MEETING – This is a meeting in which the Division of Planning and Development Land Use and Development Services discusses the procedures, standards, and regulations required of a request in accordance with the Unified Development Code with the applicant(s) and/or their representative(s), see Section 9.3.1 of [Unified Development Code](#) for additional information. To schedule a pre-application meeting please call Land Use and Development Services at (901) 636-6619.

APPLICATION REVIEW PROCESS – [Click here](#) to view a flowchart that explains the review process by application type, as well as the expected review time for each.

NEIGHBORHOOD MEETING – At least ten (10) days, but not more than one hundred twenty (120) days, prior to a hearing before the Land Use Control Board, the applicant shall provide an opportunity to discuss the proposal with representatives from neighborhoods adjacent to the development site, see Section 9.3.2 of the [Unified Development Code](#) for additional information, procedures, standards, and requirements.

APPLICATION DEADLINES – A link to the Applications Deadlines Calendar can be found on the Land Use and Development Services’ [webpage](#).

APPLICATION ASSISTANCE – [Click here](#) to view a list of firms and individuals who frequently provide assistance with the filing of applications with the Division of Planning and Development.

FILING FEE(S) – See the [Fee Schedule](#). Make checks payable to “M/SC Division of Planning and Development”

POSTED NOTICE – Posting sign(s) may be required, refer to Sub-Sections 9.3.4A and 9.3.4C of the [Unified Development Code](#) for specific requirements. If posted notice is required, the sign [affidavit](#) and a photograph of each sign on the subject property are also mandatory. [Download](#) templates of the sign in a PowerPoint document. [Click here](#) for a list of companies that may be able to produce posted notice signs.

REQUIRED DOCUMENTS

As part of the application, the following documents are required to be submitted:

LETTER OF INTENT – A brief narrative statement generally describing the nature, location, and extent of the development and the market it is intended to serve.

OUTLINE PLAN – An outline plan consists of the following documents:

- A. CONCEPT PLAN** – In general, a drawing of the subject property drawn to an engineering scale, showing property boundary lines and dimensions, existing utilities and easements, roadways, rail lines and public rights-of-way, crossing and adjacent to the subject property; the proposed height, dimensions, and arrangements of buildings on the property; the location of points of ingress to and egress (driveways), parking lots and loading areas on the site, any proposed substantial re-grading of the site and any significant topographical or physical features of the site including water courses or ponds; etc.
- B. LANDSCAPE PLAN** – A detailed diagram that includes the specific location and spacing of plant materials. All plant materials shall be identified in a planting schedule chart that indicates the symbol, quantity, common name, botanical name, and minimum size at planting—caliper and height.
- C. PROPOSED OUTLINE PLAN CONDITIONS IN WORD** – The proposed outline plan conditions must be submitted in the Microsoft Word format.

VICINITY MAP – Map showing the subject property (boldly outlined) and all adjacent parcel owners. Refer to Sub-Section 9.3.4A of the [Unified Development Code](#) for specific notification requirements. Note two hardcopy sets of sticky labels must be provided and shall be dropped off at Suite 477 in City Hall, 125 N Main Street, Memphis, TN 38103. [Public Notice Tool User Guide](#).

MAILING LABELS OF NAMES AND ADDRESSES – A complete list of names and mailing addresses, of all property owners shown on the vicinity map, typewritten, and formatted as 1" x 2 5/8" labels (Avery 5160). Additionally, include the application property owner of record, applicant, representative, and/or Architect/Engineer/Surveyor. [Public Notice Tool User Guide](#).

DEED(S) – Most recent deed(s) on file with [Shelby County Register of Deeds](#).

OWNER AFFIDAVIT – [Affidavit of ownership or owner designee](#).

Additional documents may be required prior to approval including, but not limited, to:

ELEVATIONS – Building elevations may be required upon request by the Division of Planning and Development. Factors that will be taken into consideration by the Division of Planning and Development in its determination that building elevations are required are surrounding land uses, frontage requirements, proximity of the requested building(s) to the public right-of-way, conditions, etc.

2/16/2023

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

RE: 110 Byfield Dr.

Dear Brett:

On behalf of the applicant, Mrs. Vernita Thornton, Thornton Realty and Property Solutions, LLC., we are requesting a Planned Development in a Residential Single Family - 6 (R-6) zoning district to build a small retail shopping center with 3 to 4 rental spaces.

The proposed planned development of the subject property is to build a small retail shopping center and will be in accordance with the four already existing properties along Horn Lake Road that are currently zoned CMU-1, with one of the properties known as, "T's Tires located at 4804 Horn Lake Rd which is adjacent to the subject property. We do not feel that this will impair nor will have a detrimental effect on the surrounding neighborhood but will enhance the neighborhood by bringing more retail to the area. I have attached photos of the properties that are already zoned CMU-1 in this area.

We are asking that you please consider this letter of intent as our formal request for this re-zoning of this property.

Thank you,

A handwritten signature in blue ink, appearing to read "Delinor Smith". The signature is fluid and cursive, with a large initial "D" and "S".

Delinor Smith, Smith Building Design and Associates



T's Tire - 4804 Horn Lake Rd zoned CMU-1 next to subject property



Abandoned shopping center on the other side of Horn Lake from subject property zoned CMU-1 4777 Horn Lake Rd



Service Station at 4775 Horn Lake next to 4777 Horn Lake zoned CMU-1



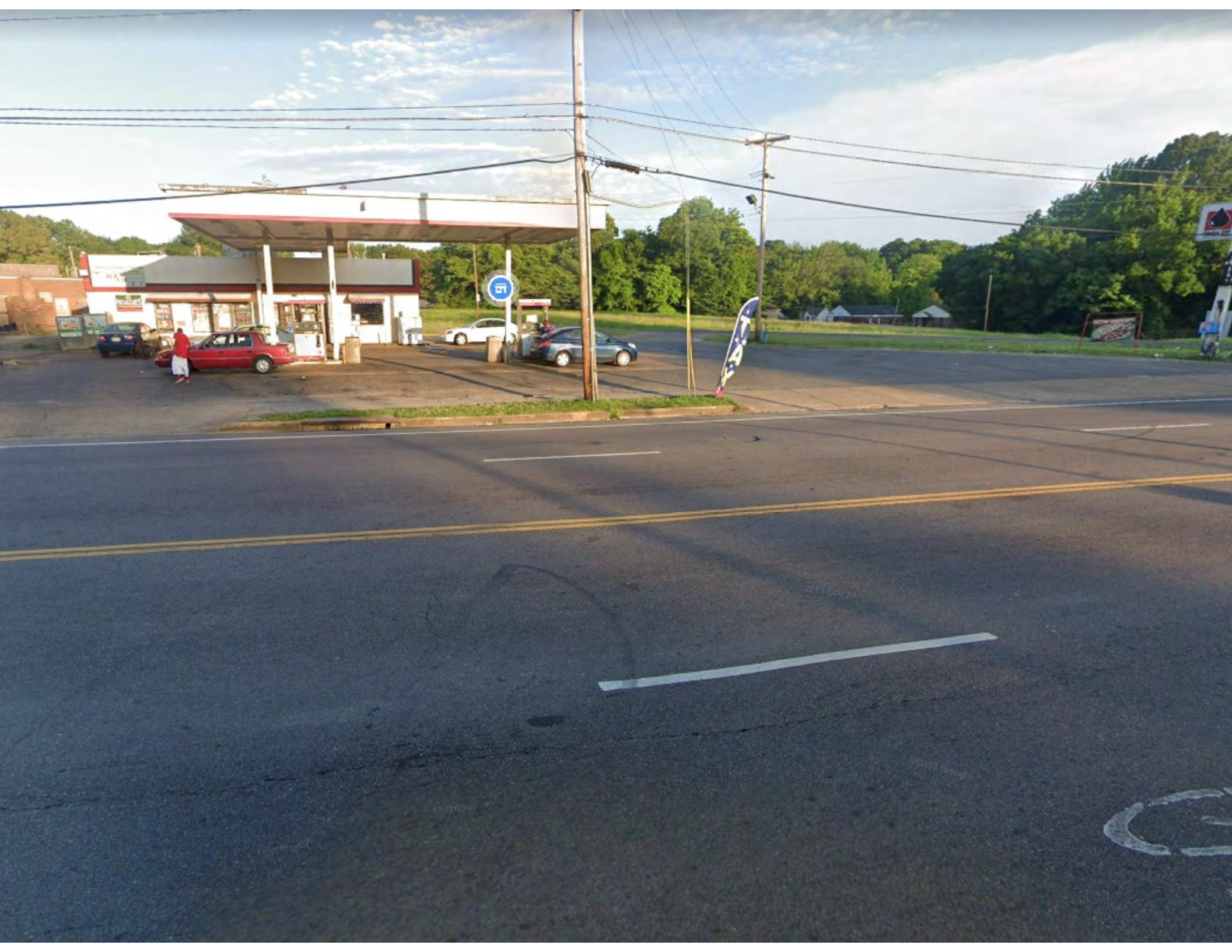
Community Grocery located at 4770 Horn Lake zoned CMU-1



T'S TIRES
WHEEL ALIGNMENT
WAX & POLISH
AIR FILTERS







E





PIZZA
GYRO
COLD CUTS

COMMUNITY GI

DISCOUNT CIGS
COLD BEER
WE ACCEPT EBT



**HOT PIZZA
WINGS & WINGBITES**

Make 'n' Eat



**BUNNY BROTHERS
PIZZA**

ATM

430.000

449

W

524 459





T's Tire - 4804 Horn Lake Rd zoned CMU-1 next to subject property



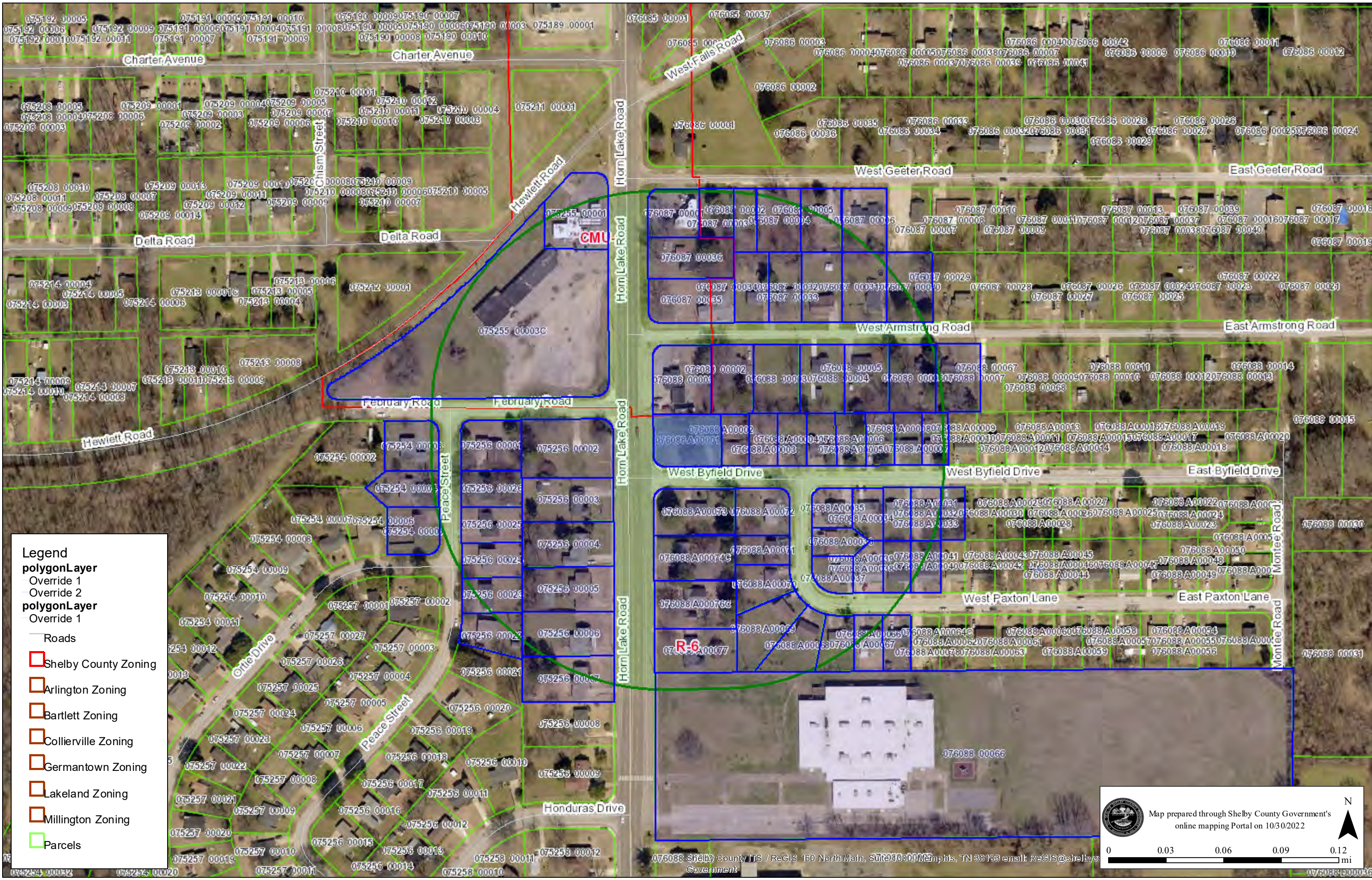
Abandoned shopping center on the other side of Horn Lake from subject property zoned CMU-1 4777 Horn Lake Rd



Service Station at 4775 Horn Lake next to 4777 Horn Lake zoned CMU-1



Community Grocery located at 4770 Horn Lake zoned CMU-1



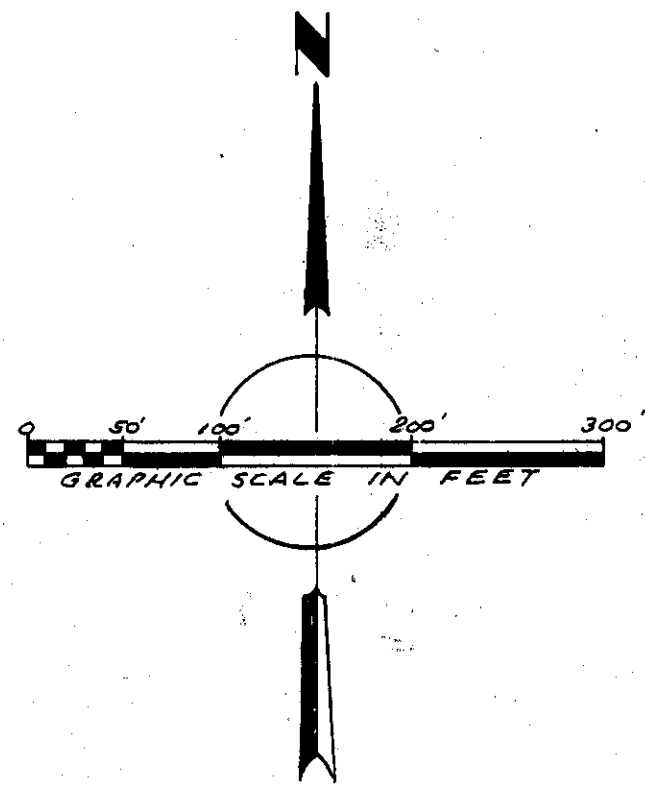
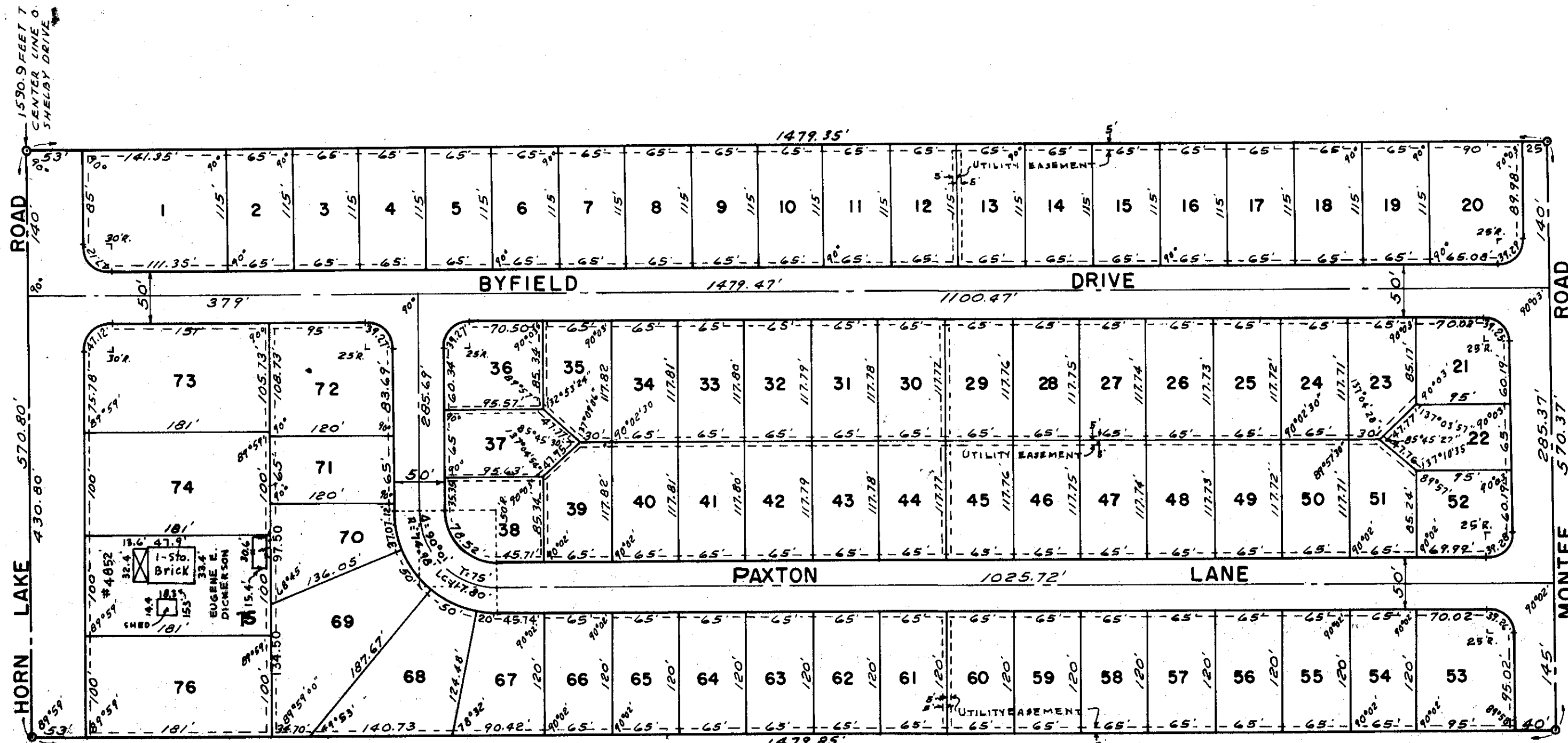
- Legend**
- polygonLayer**
 - Override 1
 - Override 2
 - polygonLayer**
 - Override 1
 - Roads
 - Shelby County Zoning
 - Arlington Zoning
 - Bartlett Zoning
 - Collierville Zoning
 - Germantown Zoning
 - Lakeland Zoning
 - Millington Zoning
 - Parcels

Map prepared through Shelby County Government's online mapping Portal on 10/30/2022

N

0 0.03 0.06 0.09 0.12

mi



NOTE: 5' UTILITY EASEMENT IN FRONT & REAR OF EACH LOT.

RESTRICTIONS

- A. ALL LOTS IN THE TRACT SHALL BE KNOWN AND DESCRIBED AS RESIDENTIAL LOTS. NO STRUCTURE SHALL BE ERECTED, ALTERED, PLACED, OR PERMITTED TO REMAIN ON ANY RESIDENTIAL BUILDING LOT OTHER THAN SINGLE FAMILY DWELLINGS NOT TO EXCEED TWO STORIES IN HEIGHT AND A PRIVATE GARAGE FOR NO MORE THAN TWO CARS AND ONE SERVANTS ROOM.
- B. THE SETBACK FROM STREET TO BUILDING SHALL MEET THE APPROVAL OF THE BUILDING DEPARTMENT.
- C. NO NOXIOUS OR OFFENSIVE TRADE OR ACTIVITY SHALL BE CARRIED ON UPON ANY LOT NOR SHALL ANYTHING BE DONE THEREON WHICH MAY BE OR BECOME AN ANNOYANCE OR NUISANCE TO THE NEIGHBORHOOD.
- D. NO TRAILER, BASEMENT, TENT, SHACK, BARN, OR OTHER OUTBUILDING ERECTED IN THE TRACT SHALL AT ANY TIME BE USED AS A RESIDENCE, TEMPORARILY OR PERMANENTLY, NOR SHALL ANY STRUCTURE OF A TEMPORARY CHARACTER BE USED AS A RESIDENCE.
- E. THERE IS A PERPETUAL EASEMENT AS SHOWN ON THE RECORDED PLAN OF SUBDIVISION RESERVED FOR UTILITY INSTALLATION AND MAINTENANCE AND DRAINAGE.
- F. THE MINIMUM GROUND FLOOR AREA OF SINGLE FAMILY RESIDENCES, EXCLUSIVE OF ONE-STORY OPEN PORCHES AND GARAGES SHALL BE 800 SQUARE FEET FOR A ONE-STORY BUILDING AND 700 SQUARE FEET FOR A ONE AND ONE-HALF OR TWO STORY BUILDING.
- G. THESE COVENANTS ARE TO RUN WITH THE LAND AND SHALL BE BINDING ON ALL PERSONS CLAIMING UNDER THEM UNTIL JANUARY 1, 2000, AT WHICH TIME SAID COVENANTS SHALL BE AUTOMATICALLY EXTENDED FOR SUCCESSIVE TEN YEAR PERIODS, UNLESS BY A VOTE OF THE MAJORITY OF THE THEN OWNERS OF THE LOTS IT IS AGREED TO CHANGE SAID COVENANTS IN WHOLE OR IN PART.
- H. IF THE PARTIES HERETO OR ANY OF THEM OR THEIR HEIRS OR ASSIGNS SHALL VIOLATE OR ATTEMPT TO VIOLATE ANY OF THE COVENANTS HEREIN, IT SHALL BE LAWFUL FOR ANY OTHER PERSON OR PERSONS OWNING ANY REAL PROPERTY IN SAID DEVELOPMENT OR SUBDIVISION TO PROSECUTE ANY PROCEEDING AT LAW OR IN EQUITY AGAINST THE PERSON OR PERSONS VIOLATING OR ATTEMPTING TO VIOLATE ANY SUCH COVENANT AND EITHER TO PREVENT HIM OR THEM FROM SO DOING OR TO RECOVER DAMAGES OR OTHER DUES FOR SUCH VIOLATION.
- I. INVALIDATION OF ANY ONE OF THESE COVENANTS BY JUDGMENT OR COURT ORDER SHALL IN NO WISE AFFECT ANY OF THE OTHER PROVISIONS WHICH SHALL REMAIN IN FULL FORCE AND EFFECT.

STATE OF TENNESSEE,
COUNTY OF SHELBY:

WE, STAR DEVELOPMENT COMPANY, INC., AND EUGENE E. DICKERSON AND WIFE, MARTHA LOUISE DICKERSON, OWNERS OF THE PROPERTY SHOWN HEREON AND SUPREME MORTGAGE AND REALTY COMPANY, INC., MORTGAGEE OF THE PROPERTY SHOWN HEREON, HEREBY ADOPT THIS AS OUR PLAN OF SUBDIVISION AND DEDICATE THE STREETS, RIGHT-OF-WAY, BASEMENTS AND RIGHTS OF ACCESS AS SHOWN AND /OR DESCRIBED TO THE PUBLIC USE FOREVER. WE HEREBY CERTIFY THAT WE ARE THE OWNERS AND MORTGAGEE, DULY AUTHORIZED SO TO ACT, AND THAT SAID PROPERTY IS NOT ENCUMBERED BY ANY TAXES WHICH HAVE BECOME DUE AND PAYABLE.

STAR DEVELOPMENT COMPANY, INC.
BY: [Signature] PRESIDENT
A. W. WILLIS, JR.
ATTEST BY: [Signature]
JESSE H. TURNER, SECRETARY

[Signature]
EUGENE E. DICKERSON
[Signature]
MARTHA LOUISE DICKERSON
SUPREME MORTGAGE AND REALTY COMPANY, INC.
BY: [Signature] PRESIDENT
ATTEST BY: [Signature]
A. WESTLEY, SECRETARY -TREASURER

STATE OF TENNESSEE,
COUNTY OF SHELBY:

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE AND COUNTY, AT MEMPHIS, DULY COMMISSIONED AND QUALIFIED, PERSONALLY APPEARED A. W. WILLIS, JR., WITH WHOM I AM PERSONALLY ACQUAINTED AND WHO UPON OATH ACKNOWLEDGED HIMSELF TO BE PRESIDENT OF STAR DEVELOPMENT COMPANY, INC., THE WITHIN NAMED BARGAINOR, AND THAT HE AS SUCH PRESIDENT, BEING AUTHORIZED SO TO DO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSE THEREIN CONTAINED BY SUBSCRIBING THERETO THE NAME OF SAID CORPORATION, BY THE PRESIDENT AND ATTEST BY THE SECRETARY -TREASURER.

IN WITNESS WHEREOF I HAVE HERETO SET MY HAND AND AFFIXED MY NOTARIAL SEAL AT OFFICE IN MEMPHIS THIS 10th DAY OF July 1970.
MY COMMISSION EXPIRES: June 12, 1971

[Signature] NOTARY PUBLIC

STATE OF TENNESSEE,
COUNTY OF SHELBY:

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE AND COUNTY, PERSONALLY APPEARED EUGENE E. DICKERSON AND MARTHA LOUISE DICKERSON, WITH WHOM I AM PERSONALLY ACQUAINTED, AND WHO UPON OATH ACKNOWLEDGED THEMSELVES TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AS THEIR FREE ACT AND DEED.

IN WITNESS WHEREOF I HAVE HERETO SET MY HAND AND AFFIXED MY NOTARIAL SEAL AT MEMPHIS THIS THE 10th DAY OF July 1970.
MY COMMISSION EXPIRES: June 12, 1971

[Signature] NOTARY PUBLIC

STATE OF TENNESSEE,
COUNTY OF SHELBY:

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE AND COUNTY, AT MEMPHIS, DULY COMMISSIONED AND QUALIFIED, PERSONALLY APPEARED A. W. WILLIS, JR., WITH WHOM I AM PERSONALLY ACQUAINTED AND WHO UPON OATH ACKNOWLEDGED HIMSELF TO BE PRESIDENT OF SUPREME MORTGAGE AND REALTY COMPANY, INC., THE WITHIN NAMED BARGAINOR, AND THAT HE AS SUCH PRESIDENT, BEING AUTHORIZED SO TO DO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSE THEREIN CONTAINED BY SUBSCRIBING THERETO THE NAME OF SAID CORPORATION, BY THE PRESIDENT AND ATTEST BY THE SECRETARY -TREASURER.

IN WITNESS WHEREOF I HAVE HERETO SET MY HAND AND AFFIXED MY NOTARIAL SEAL AT OFFICE IN MEMPHIS, THIS DAY OF February 1970.
MY COMMISSION EXPIRES: January 11, 1971

[Signature] NOTARY PUBLIC

CERTIFICATE OF SURVEY:

THIS IS TO CERTIFY THAT WE HAVE SURVEYED THE PROPERTY SHOWN HEREON IN WILSHIRE OAKS TERRACE SUBDIVISION AND THAT THIS PLAN REPRESENTS THE SURVEY THEREOF.

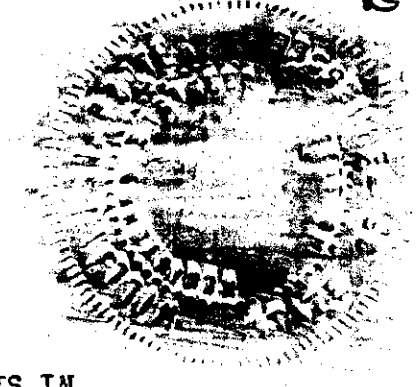
APPROVED BY THE MEMPHIS AND SHELBY COUNTY PLANNING COMMISSION:
DATE: APRIL 2, 1970
[Signature] DIRECTOR

I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE COPY AND THAT SAID DOCUMENT WAS APPROVED BY THE COUNCIL OF THE CITY OF MEMPHIS IN REGULAR SESSION ON THE 24th DAY OF November 1970.

RE-CORDED TO SHOW ADDITIONAL EASEMENTS FOR UNDERGROUND TELEPHONE CABLES.
APPROVED BY THE MEMPHIS AND SHELBY COUNTY PLANNING COMMISSION:
DATE: FEB 24, 1971
[Signature] DIRECTOR

[Signature]
W. H. PORTER, CIVIL ENGINEER
TENNESSEE LICENSE NO. 1195

RECORDED
94536
STATE TAX
BOOK 42
PAGE 48



WILSHIRE OAKS TERRACE SUBDIVISION
MEMPHIS, TENNESSEE
APRIL 1970 SCALE 1" = 100"
W.H. PORTER, CONSULTING ENGINEER
MEMPHIS, TENNESSEE
17.12 ACRES ZONED - R-2

LEGAL DESCRIPTION

Lot I, Wilshire Oaks Terrace Subdivision, as per plat recorded in Plat Book 42, Page 48, in the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said property.



Shelby County Tennessee

Shelandra Y Ford

Shelby County Register

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

21122259

09/30/2021 - 07:32:30 AM

4 PGS

LINDA 2310047-21122259

VALUE	4200.00
MORTGAGE TAX	0.00
TRANSFER TAX	15.54
RECORDING FEE	20.00
DP FEE	2.00
REGISTER'S FEE	1.00
EFILE FEE	2.00
TOTAL AMOUNT	40.54

SHELANDRA Y FORD

REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

Instrument Prepared by:
Apperson Crump, PLC
6000 Poplar Avenue – Suite 150
Memphis, TN 38119
File Number: AC21090133

After Recording Return To:
Apperson Crump, PLC
6000 Poplar Avenue
Suite 150
Memphis, TN 38119

Warranty Deed

THIS INDENTURE made and entered into as of this 24th day of September, 2021, by and between Sherrie Adams, a single woman, (henceforth referred to as “Grantor”), and Thornton Realty and Property Solutions LLC, a Tennessee Limited Liability Company, (henceforth referred to as “Grantee”),

WITNESSETH: That for and in consideration of Ten Dollars (\$10.00) cash in hand paid, and other good and valuable consideration, the receipt of all of which is hereby acknowledged, the said Grantor has bargained and sold and does hereby bargain, sell, convey and grant all of its interest in the following described real estate situated and being in Shelby County, Tennessee:

Lot I, Wilshire Oaks Terrace Subdivision, as per plat recorded in Plat Book 42, Page 48, in the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said property.

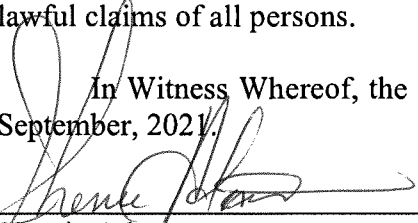
Being the same property conveyed to Sherrie Adams by Quitclaim Deed dated May 22, 2019 from Shelby County, recorded May 28, 2019, in Instrument Number 19051698, in the Official Records of Shelby County, Tennessee.

TO HAVE AND TO HOLD the aforesaid real estate, together with all the appurtenances and hereditaments thereunto belonging or in any wise appertaining, unto the said Grantee, his, her, its, successors and assigns in fee simple forever.

And the Grantor does hereby covenant with the said Grantee that he, she, they, it is lawfully seized in fee of the aforescribed real estate; that Grantor has a good right to sell and convey the same; that the same is unencumbered except for the following: The lien of the following general and special taxes for the year or years specified and subsequent years: 2022 City of Memphis and Shelby County taxes, being liens not yet due and payable; Subdivision Restrictions, Building Lines and Easements of record in Plat Book 42, Page 48, in the Register's Office of Shelby County, Tennessee; Amendment to Subdivision Restrictions of record as Instrument No. G5 9409, in said Register's Office.

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

In Witness Whereof, the said, Grantor(s), has executed this instrument this 24th day of September, 2021.

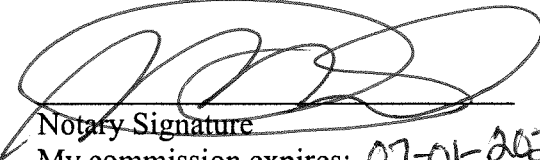


Sherrie Adams

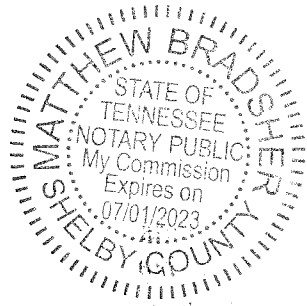
STATE OF TENNESSEE
COUNTY OF SHELBY

On this 24th day of September, 2021, before me personally appeared Sherrie Adams, to me known to be the person (or persons) described in and who executed the foregoing instrument, and acknowledged that such person (or persons) executed the same as such person's (or persons') free act and deed.

Witness my hand, at office, this 24th day of September, 2021.

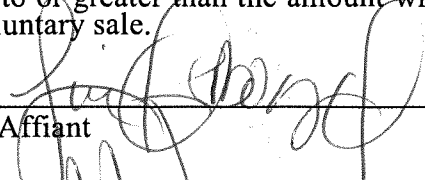


Notary Signature
My commission expires: 07-01-2023



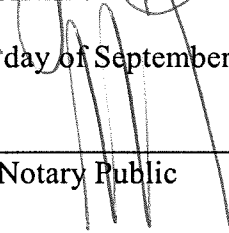
State of Tennessee
County of Shelby

I, or we, hereby swear or affirm that to the best of affiant's knowledge, information, and belief, the actual consideration for this transfer or value of the property transferred, whichever is greater is \$4,200.00 which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.



Affiant

Subscribed and sworn to before me this 24 day of September, 2021.



Notary Public

My Commission Expires: 11/21/2024

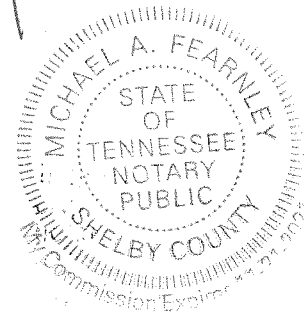
New Owner's Name & Address:

Thornton Realty and Property Solutions LLC
8295 TOURNAMENT DRIVE SUITE 150-111
MEMPHIS, TN 38125

Mail Tax Bills to:
THORNTON REALTY & PROPERTY SOULTIONS LLC
8295 TOURNAMENT DRIVE SUITE150-111
MEMPHIS, TN 38125

Property Address(es):
110 West Byfield Drive, Memphis, TN 38109

Tax Parcel ID #(s):
076088 A00001



I, Robert E. Tribble, Jr., do hereby make oath that I am a licensed attorney and/or the custodian of the original version of the electronic document tendered for registration herewith and that this electronic document is a true and exact copy of the original document executed and authenticated according to law on Sept 24, 2021.

[Handwritten Signature]
Affiant Signature

Sept 28, 2021
Date

State of Tennessee
County of Shelby

Sworn to and subscribed before me this 28th day of September, 2021.

[Handwritten Signature]
Notary's Signature

MY COMMISSION EXPIRES: 11/21/2021



MEMPHIS AND SHELBY COUNTY DIVISION OF PLANNING AND DEVELOPMENT

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

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

OWNER: Includes the holder of legal title as well as holders of any equitable interest, such as trust beneficiaries, contract purchasers, option holders, lessees under leases having an unexpired term of at least ten years, and the like. Whenever a statement of ownership is required by the Memphis and Shelby County Unified Development Code, full disclosure of all legal and equitable interest in the property is required. Memphis and Shelby County Unified Development Code Section 12.3.1.

I, Vernita Thornton Vernita Thornton, state that I have read the definition of "Owner" as outlined in the Memphis and Shelby County Unified Development Code Section 12.3.1 and hereby state that (select applicable box):
(Print Name) (Sign Name) At Thornton Realty Property Solutions

"Owner" as outlined in the Memphis and Shelby County Unified Development Code Section 12.3.1 and hereby state that (select applicable box):

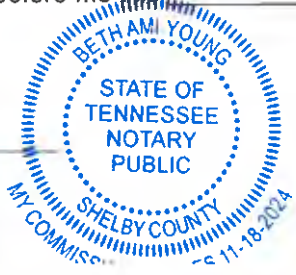
I am the owner of record as shown on the current tax rolls of the county Assessor of Property; the mortgage holder of record as shown in the mortgage records of the county Register of Deeds; purchaser under a land contract; a mortgagee or vendee in possession; or I have a freehold or lesser estate in the premises

I have charge, care or control of the premises as trustee, agent, executor, administrator, assignee, receiver, guardian or lessee (and have included documentation with this affidavit)

of the property located at 110 W. Byfield Dr. Memphis, TN 38109
and further identified by Assessor's Parcel Number 076088 A 00 001
for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 29th day of October in the year of 2022

[Signature]
Signature of Notary Public



11/18/24
My Commission Expires

075255 00001 - KHMOUS RAFAT
076087 00001 - CHANG ANDREW C & MI HYONG
076087 00036 - RAYBORN CLAUDE AND MARILYN D HARPER
076087 00033 - LLOYD-HUDSON JANET D
076088 00001 - TURNER ALICE F
076088 00003 - DUNBAR DARRELL D
076088 00006 - CAMPBELL LOUISE AND JOHNNIE I MELTON AND
075254 00003 - SNIPES MARCUS
075256 00002 - COBBINS DARRELL T
076088 A00006 - LINDIMENT LIZZIE B ETAL
075256 00003 - CONOVER THERESA
076088 A00073 - CONSTABLE JASON R
076088 A00072 - FITZPATRICK KELSA & MATTIE M
076088 A00033 - MICKENS CONSTANCE D
076088 A00031 - BURNS UTHER & MARTHA M
075256 00004 - WEBB KRYSTAL M
075256 00024 - OSBORNE HAROLD H & EDITH I
076088 A00071 - HAYES EDITH M
076088 A00037 - FOUSE GEORGE A & SUSIE M
075256 00005 - WESTLEY CECELIA AND ELLA W HORTON (RS)
076088 A00068 - WILLIAMS LAURA
075256 00007 - WRING REAL ESTATE LLC
076087 00002 - CHANG ANDREW CHA
076087 00004 - CLAYTON TERRY R
076087 00034 - PARHAM COLLIS AND ADLINE PHAIRMS

076087 00035 - RAYBORN BONNIE
076088 00004 - WOODARD SANDRA AND MELVIN WOODARD
076088 00005 - MCGOWAN HERBERT JR
076088 00007 - WHITE TERINA
075256 00001 - BOSHWIT BROS MORTGAGE CORP
076088 A00001 - THORNTON REALTY AND PROPERTY SOLUTIONS
076088 A00002 - 102 WEST BYFIELD LLC
076088 A00003 - SHELBY COUNTY TAX SALE 0803 EXH #332305
076088 A00004 - KEMP JENNIFER
076088 A00005 - RIZZATO ALEX C
076088 A00007 - MAURER JAMES I & LYNN E
076088 A00008 - JACKSON PHALON
076088 A00009 - PERRY ARTHUR JR
075254 00004 - ROWLAND MICHEAL A
075256 00026 - MCMORRIS SHIRLEY N
076088 A00035 - THOMPSON VERNEDA L
075254 00005 - GLOBAL PROPERTIES LLC
076088 A00034 - GREENE SOAWANEE
076088 A00032 - BANKS LUE D
075256 00025 - JONES ROBERT L & VERA M
076088 A00036 - MARR ROOSEVELT & LORRAINE R
076088 A00038 - KABUKI TN LLC
076088 A00040 - 58 WEST PAXTON LANE TRUST
076088 A00070 - MOSLEY MELANIE L
075256 00023 - DUNLAP VALERIE L

076088 A00076C - MCCOLLUM JEFFERY & CHERYL
076088 A00069 - WADE TYRIE & PATRICIA B
075256 00022 - DAVIS PATRICIA B
075256 00006 - SPRINGFIELD-COLLINS JOYCE CLIVING TRUST
076088 A00067 - FEILD JEANNINE P
076088 A00066 - TAYLOR LOIS L
076088 A00078 - WHITE RAYFORD
076088 A00077 - STANLEY JAMES R JR & JENNY M
076087 00030 - SLAUGHTER WASH & FANNIE M
076087 00031 - MOORE CAROLYN H AND SAMUEL W HARRISON
076087 00032 - MELTON TONYA
076087 00006 - PIGFORD MARY G
076087 00005 - PIGFORD MARY G
075255 00003C - FLEMING RICHARD
076087 00003 - CLAYTON TERRY R
076088 00002 - DUNBAR DARRALL
076088 A00074C - TRUE CORE TN REI LLC
076088 A00039 - ENTRUST GROUP FBO WILLIAM J LEACH IRA
076088 00066 - MEMPHIS CITY OF FOR BD OF EDUC

KHMOUS RAFAT
4775 HORN LAKE RD #
MEMPHIS TN 38109

CONOVER THERESA
4829 HORN LAKE RD #
MEMPHIS TN 38109

WILLIAMS LAURA
81 W PAXTON LN #
MEMPHIS TN 38109

CHANG ANDREW C & MI HYONG
1480 JOHN RIDGE DR #
COLLIERVILLE TN 38017

CONSTABLE JASON R
10045 REMINGTON DR #
RIVERVIEW FL 33578

WRING REAL ESTATE LLC
5524 RIVERDALE RD #
MEMPHIS TN 38141

RAYBORN CLAUDE AND MARILYN D HARPER
2510 DOVERGLEN DR #
MISSOURI CITY TX 77489

FITZPATRICK KELSA & MATTIE M
97 PAXTON LN #
MEMPHIS TN 38109

CHANG ANDREW CHA
1480 JOHN RIDGE DR #
COLLIERVILLE TN 38017

LLOYD-HUDSON JANET D
88 W ARMSTRONG RD #
MEMPHIS TN 38109

MICKENS CONSTANCE D
65 W BYFIELD DR #
MEMPHIS TN 38109

CLAYTON TERRY R
3776 MARYDALE DR
NASHVILLE TN 37207

TURNER ALICE F
1053 HESTER #
MEMPHIS TN 38116

BURNS UTHUR & MARTHA M
51 BYFIELD DR #
MEMPHIS TN 38109

PARHAM COLLIS AND ADLINE PHAIRMS
90 ARMSTRONG RD #
MEMPHIS TN 38109

DUNBAR DARRELL D
99 W ARMSTRONG RD #
MEMPHIS TN 38109

WEBB KRYSTAL M
4839 HORN LAKE RD #
MEMPHIS TN 38109

RAYBORN BONNIE
9368 FOREST WIND DR #
COLLIERVILLE TN 38017

CAMPBELL LOUISE AND JOHNNIE I MELTON AND
1502 LEHR DR #
MEMPHIS TN 38116

OSBORNE HAROLD H & EDITH I
4842 PEACE ST #
MEMPHIS TN 38109

WOODARD SANDRA AND MELVIN WOODARD
1495 BROWNWOOD #
MEMPHIS TN 38116

SNIPES MARCUS
4819 PEACE ST #
MEMPHIS TN 38109

HAYES EDITH M
93 PAXTON LN #
MEMPHIS TN 38109

MCGOWAN HERBERT JR
73 W ARMSTRONG RD #
MEMPHIS TN 38109

COBBINS DARRELL T
1331 UNION AVE #
MEMPHIS TN 38104

FOUSE GEORGE A & SUSIE M
80 PAXTON LN #
MEMPHIS TN 38109

WHITE TERINA
1258 CUMMINGS ST #
MEMPHIS TN 38106

LINDIMENT LIZZIE B ETAL
76 BYFIELD DR #
MEMPHIS TN 38109

WESTLEY CECELIA AND ELLA W HORTON (RS)
4849 HORN LAKE RD #
MEMPHIS TN 38109

BOSHWIT BROS MORTGAGE CORP
2595 BROAD AVE #
MEMPHIS TN 38112

THORNTON REALTY AND PROPERTY SOLUTIONS
8295 TOURNAMENT DR #150-111
MEMPHIS TN 38125

THOMPSON VERNEDA L
98 PAXTON LN #
MEMPHIS TN 38109

MCCOLLUM JEFFERY & CHERYL
4852 HORN LAKE RD #
MEMPHIS TN 38109

102 WEST BYFIELD LLC
400 NEWMAN ST #
WHEAT RIDGE CO 80033

GLOBAL PROPERTIES LLC
PO BOX 38895 #
GERMANTOWN TN 38183

WADE TYRIE & PATRICIA B
85 PAXTON LN #
MEMPHIS TN 38109

SHELBY COUNTY TAX SALE 0803 EXH #332305
PO BOX 2751 #
MEMPHIS TN 38101

GREENE SOAWANEE
2694 BRADFORDT DR #
MELBOURNE FL 32904

DAVIS PATRICIA B
4856 PEACE ST #
MEMPHIS TN 38109

KEMP JENNIFER
4652 SWEET WHISPER LN #
MEMPHIS TN 38125

BANKS LUE D
59 W BYFIELD DR #
MEMPHIS TN 38109

SPRINGFIELD-COLLINS JOYCE CLIVING TRUST
PO BOX 671 #
MEMPHIS TN 38101

RIZZATO ALEX C
637 ADAIR CT
MORGAN HILL CA 95037

JONES ROBERT L & VERA M
4834 PEACE ST #
MEMPHIS TN 38109

FEILD JEANNINE P
79 PAXTON LN #
MEMPHIS TN 38109

MAURER JAMES I & LYNN E
2436 PUUNI AVE #
HONOLULU HI 96817

MARR ROOSEVELT & LORRAINE R
9122 TRIPLE CROWN LOOP W
SOUTHAVEN MS 38671

TAYLOR LOIS L
71 PAXTON LN #
MEMPHIS TN 38109

JACKSON PHALON
3339 FOGGY RIDGE CV #
MEMPHIS TN 38115

KABUKI TN LLC
5189 VIA DEL VALLE ST
LA VERNE CA 91750

WHITE RAYFORD
4311 WHISPER TRL #
OLIVE BRANCH MS 38654

PERRY ARTHUR JR
3609 GRACELAND DR #
MEMPHIS TN 38116

58 WEST PAXTON LANE TRUST
90 W 84TH AVE
THORNTON CO 80260

STANLEY JAMES R JR & JENNY M
4862 HORN LAKE RD #
MEMPHIS TN 38109

ROWLAND MICHEAL A
4827 PEACE ST #
MEMPHIS TN 38109

MOSLEY MELANIE L
89 PAXTON LN #
MEMPHIS TN 38109

SLAUGHTER WASH & FANNIE M
60 W ARMSTRONG RD #
MEMPHIS TN 38109

MCMORRIS SHIRLEY N
2105 LAKELAND CV #
HORN LAKE MS 38637

DUNLAP VALERIE L
4850 PEACE ST #
MEMPHIS TN 38109

MOORE CAROLYN H AND SAMUEL W HARRISON
PO BOX 41406
MEMPHIS TN 38174

MELTON TONYA
64 PARK AVE #C7
BLOOMFIELD NJ 7003

PIGFORD MARY G
2004 NELLIE RD #
MEMPHIS TN 38116

PIGFORD MARY G
2004 NELLIE RD #
MEMPHIS TN 38116

FLEMING RICHARD
1279 DOGWOOD DR
MEMPHIS TN 38111

CLAYTON TERRY R
3776 MARYDALE DR
NASHVILLE TN 37207

DUNBAR DARRALL
12963 RUNWAY RD #409
LOS ANGELES CA 90094

TRUE CORE TN REI LLC
172 CENTER ST #202
JACKSON WY 83001

ENTRUST GROUP FBO WILLIAM JLEACH IRA
555 12TH ST #900
OAKLAND CA 94607

MEMPHIS CITY OF FOR BD OF EDUC
2597 AVERY AVE #218
MEMPHIS TN 38112

TOTAL 69

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

ONE ORIGINAL |
ONLY STAPLED |
TO DOCUMENTS |

Planning & Development
DIVISION

Planning & Zoning COMMITTEE: 4/25/2023

DATE

PUBLIC SESSION: 4/25/2023

DATE

ITEM (CHECK ONE)

ORDINANCE RESOLUTION REQUEST FOR PUBLIC HEARING

ITEM CAPTION: Zoning ordinance amending Ordinance No. 5367 of Code of Ordinance, City of Memphis, Tennessee, adopted on August 10, 2010, as amended, known as the Memphis and Shelby County Unified Development code, to authorize a zoning use district reclassification for land located on the extreme northwest of the subject property located 0 Malone Road of approximately 3.18 acres. By taking the land out of the Conservation Agriculture (CA) Use District and including it in the Employment (EMP) Use District, known as case number Z 2023-005

CASE NUMBER: Z 2023-005

LOCATION: 0 Malone Road

COUNCIL DISTRICTS: District 3 and Super District 8 – Positions 1, 2, and 3

OWNER/APPLICANT: Allen Daniel(Estate of)/Josh Whitehead, Burch, Porter, & Johnson, PLLC

REPRESENTATIVES: Josh Whitehead, Burch, Porter, & Johnson, PLLC

REQUEST: Rezoning of +/-3.18 acres from Conservation Agriculture (CA) to Employment (EMP)

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 – April 25, 2023
Second reading – May 2, 2023
Third reading – May 16, 2023

PRIOR ACTION ON ITEM:

(1) APPROVAL - (1) APPROVED (2) DENIED
4/13/2023 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:

DATE POSITION

_____	_____	PRINCIPAL PLANNER
_____	_____	DEPUTY ADMINISTRATOR
_____	_____	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY

CHIEF ADMINISTRATIVE OFFICER
COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

Z 2023-005

ZONING ORDINANCE AMENDING ORDINANCE NO. 5367 OF CODE OF ORDINANCE, CITY OF MEMPHIS, TENNESSEE, ADOPTED ON AUGUST 10, 2010, AS AMENDED, KNOWN AS THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, TO AUTHORIZE A ZONING USE DISTRICT RECLASSIFICATION FOR LAND LOCATED ON THE EXTREME NORTHWEST OF THE SUBJECT PROPERTY LOCATED 0 MALONE ROAD OF APPROXIMATELY 3.18 ACRES. BY TAKING THE LAND OUT OF THE CONSERVATION AGRICULTURE (CA) USE DISTRICT AND INCLUDING IT IN THE EMPLOYMENT (EMP) USE DISTRICT, KNOWN AS CASE NUMBER Z 2023-005

- Approval of this zoning district reclassification will be reflected on the Memphis and Shelby County Zoning Atlas; and
- No contracts are affected by this item; and
- No expenditure of funds/budget amendments are required by this item.

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday, April 13, 2023**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: Z 2023-005

LOCATION: 0 Malone Road

COUNCIL DISTRICT(S): District 3, Super District 8 – Positions 1, 2, and 3

OWNER/APPLICANT: Allen Daniel(Estate of)/Josh Whitehead, Burch, Porter, & Johnson, PLLC

REPRESENTATIVE: Josh Whitehead, Burch, Porter, & Johnson, PLLC

REQUEST: Rezoning of +/-3.18 acres from Conservation Agriculture (CA) to Employment (EMP)

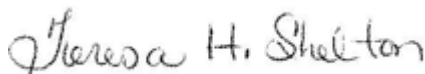
The following spoke in support of the application: None

The following spoke in opposition of the application: 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.

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

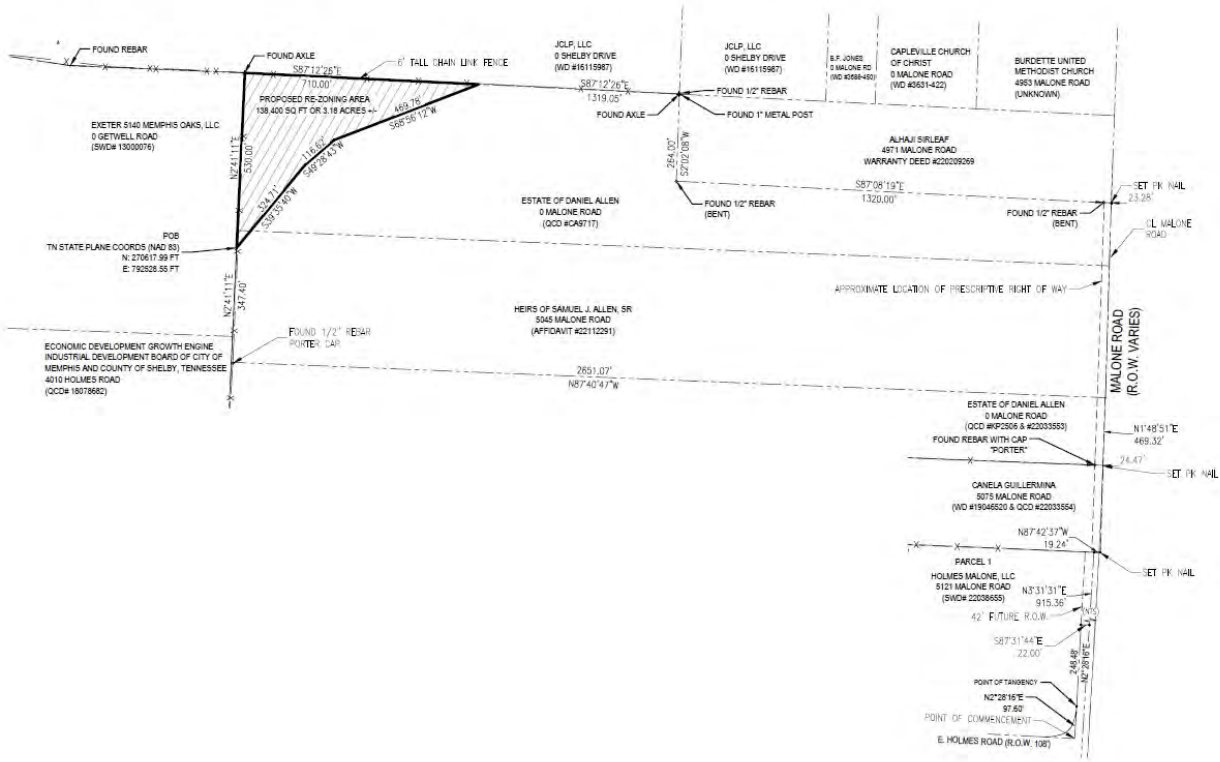
Respectfully,



Teresa H. Shelton
Municipal Planner
Land Use and Development Services
Division of Planning and Development

Cc: Committee Members
File

RE-ZONING EXHIB



ORDINANCE NO: _____

ZONING ORDINANCE AMENDING ORDINANCE NO. 5367 OF CODE OF ORDINANCE, CITY OF MEMPHIS, TENNESSEE, ADOPTED ON AUGUST 10, 2010, AS AMENDED, KNOWN AS THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, TO AUTHORIZE A ZONING USE DISTRICT RECLASSIFICATION FOR LAND LOCATED ON THE EXTREME NORTHWEST OF THE SUBJECT PROPERTY LOCATED 0 MALONE ROAD OF APPROXIMATELY 3.18 ACRES. BY TAKING THE LAND OUT OF THE CONSERVATION AGRICULTURE (CA) USE DISTRICT AND INCLUDING IT IN THE EMPLOYMENT (EMP) USE DISTRICT, KNOWN AS CASE NUMBER Z 2023-005

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: Z 2023-005**; and

WHEREAS, the Memphis and Shelby County Land Use Control Board has filed its recommendation and the Division of Planning and Development has filed its report and recommendation with the Council of the City of Memphis; and

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:

SECTION 1:

THAT, the Memphis and Shelby County Unified Development Code, Ordinance No. 5367 of the Code of Ordinances, City of Memphis, as amended, be and the same hereby is amended with respect to Use Districts, as follows:

BY TAKING THE FOLLOWING PROPERTY OUT OF THE CONSERVATION AGRICULTURE (CA) USE DISTRICT AND INCLUDING IT IN THE EMPLOYMENT (EMP) USE DISTRICT.

The following property located in the City of Memphis, Tennessee being more particularly described as follows:

PROPERTY DESCRIPTION OF AREA TO BE RE-ZONED

DESCRIPTION OF PART OF THE HEIRS OF SAMUEL J. ALLEN, SR PROPERTY PER AFFIDAVIT INSTRUMENT NO. 22112291 AND THE ESTATE OF DANIEL ALLEN PROPERTY PER QUIT CLAIM DEED INSTRUMENT NO. CA9717, ALL OF RECORD IN THE REGISTER'S OFFICE IN THE CITY OF MEMPHIS, SHELBY COUNTY, TENNESSEE AND BEING MORE

PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE POINT OF TANGENT INTERSECTION OF THE NORTH LINE OF HOLMES ROAD (108 FEET WIDE AT THIS POINT) WITH THE WEST LINE OF MALONE ROAD (42 FEET WEST OF THE CENTERLINE OF MALONE ROAD AT THIS POINT); THENCE NORTH 02 DEGREES 28 MINUTES 16 SECONDS EAST-97.60 FEET ALONG THE WEST LINE OF MALONE ROAD TO THE POINT OF TANGENCY; THENCE CONTINUING NORTHWARDLY ALONG SAID SAME WEST LINE 248.48 FEET ALONG THE EAST LINE OF THE HOLMES MALONE, LLC PROPERTY PER SPECIAL WARRANTY DEED 22038655 TO A R.O.W. OFFSET POINT; THENCE SOUTH 87 DEGREES 31 MINUTES 44 SECONDS EAST-22.00 FEET TO A POINT IN THE PRESENT WEST LINE OF MALONE ROAD; THENCE NORTH 03 DEGREES 31 MINUTES 31 SECONDS EAST-915.36 FEET ALONG THE WEST LINE OF MALONE ROAD AND THE EAST LINE OF THE HOLMES MALONE, LLC PROPERTY TO A POINT BEING THE NORTH EAST CORNER OF SAID HOLMES PROPERTY AND IN THE SOUTH LINE OF THE CANELA GUILLERMINA PROPERTY (WD INST. NO. 19046520 AND QCD INST. NO. 22033554, S.C.R.O.); THENCE SOUTH 87 DEGREES 42 MINUTES 37 SECONDS EAST-19.24 FEET ALONG THE SOUTH LINE OF THE CANELA GUILLERMINA PROPERTY TO AN OFFSET POINT IN THE CURRENT CENTER LINE OF MALONE ROAD; THENCE NORTH 1 DEGREE 48 MINUTES 51 SECONDS EAST-469.32 FEET ALONG THE CENTER OF MALONE ROAD AND ALONG THE EAST LINE OF SAID GUILLERMINA PROPERTY AND THE EAST LINE OF THE ESTATE OF DANIEL ALLEN PROPERTY (QCD INST. NO. KP2506 AND INST. NO. 22033553, S.C.R.O.) TO A POINT BEING THE NORTHEAST CORNER OF SAID ESTATE OF DANIEL ALLEN PROPERTY; THENCE (LEAVING MALONE ROAD) NORTH 87 DEGREES 40 MINUTES 47 SECONDS WEST-2651.07 FEET ALONG THE NORTH LINE OF THE SAID ESTATE OF DANIEL ALLEN PROPERTY AND THE SOUTH LINE OF THE HEIRS OF SAMUEL J ALLEN, SR PROPERTY (AFFDAVIT NO. 22112291, S.C.R.O.) TO A POINT IN THE EAST LINE OF THE ECONOMIC DEVELOPMENT GROWTH ENGINE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF MEMPHIS AND SHELBY COUNTY OF TENNESSEE PROPERTY (QCD INST. NO. 18078682, S.C.R.O.); THENCE NORTH 02 DEGREES 41 MINUTES 11 SECONDS EAST-347.40 FEET ALONG THE WEST LINE OF THE ESTATE OF DANIEL ALLEN AND THE HEIRS OF SAMUEL J ALLEN, SR PROPERTIES, BEING THE EAST LINE OF THE SAID ECONOMIC DEVELOPMENT GROWTH ENGINE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF MEMPHIS AND SHELBY COUNTY OF TENNESSEE PROPERTY AND THEN ALONG THE EAST LINE OF THE EXETER 5140 MEMPHIS OAKS, LLC PROPERTY (SWD INST. NO. 13000076, S.C.R.O.) TO A POINT BEING POINT OF BEGINNING AND BEING FURTHER LOCATED AT TENNESSEE STATE PLANE COORDINATES (NAD 83) NORTH 270617.99 FEET AND EAST 792528.55 FEET;

THENCE NORTH 02 DEGREES 41 MINUTES 11 SECONDS EAST – 530.00 FEET ALONG THE EAST LINE OF SAID “EXETER” PROPERTY TO A FOUND AXLE IN THE SOUTH LINE OF THE JCLP, LLC PROPERTY (WD INST. NO. 16115987);

THENCE SOUTH 87 DEGREES 12 MINUTES 26 SECONDS EAST – 710.00 FEET ALONG THE SOUTH LINE OF THE JCLP, LLC PROPERTY TO A POINT;

THENCE, LEAVING SAID BOUNDARY LINE, SOUTH 68 DEGREES 56 MINUTES 12 SECONDS WEST – 469.78 FEET ACROSS THE ESTATE OF DANIEL ALLEN PROPERTY TO AN ANGLE POINT;

THENCE SOUTH 49 DEGREES 28 MINUTES 43 SECONDS WEST – 116.62 FEET

ACROSS THE ESTATE OF DANIEL ALLEN PROPERTY TO AN ANGLE POINT;

THENCE SOUTH 39 DEGREES 35 MINUTES 40 SECONDS WEST – 324.71 FEET ACROSS PART OF THE ESTATE OF DANIEL ALLEN PROPERTY AND A PORTION OF THE HEIRS OF SAMUEL J. ALLEN, SR PROPERTY TO THE POINT OF BEGINNING.

CONTAINING 138,400 SQUARE FEET OR 3.18 ACRES, MORE OR LESS.

ALL COORDINATES ARE TENNESSEE STATE PLANE (NAD 83).

NOTE: THE PURPOSE OF THIS DESCRIPTION IS FOR RE-ZONING PURPOSES ONLY AND THE MEMPHIS & SHELBY COUNTY ZONING MAP WAS USED FOR SCALING THE DISTANCES AND ESTABLISHING THE GEOMETRY.

SECTION 2:

THAT, the Zoning Administrator of the Division of Planning and Development be, and is hereby directed to make the necessary changes in the Official Use District Maps to conform to the changes herein made; that all official maps and records of the Memphis and Shelby County Land Use Control Board and the City of Memphis be, and they hereby are, amended and changed so as to show the aforementioned amendment of the said Zoning Ordinance.

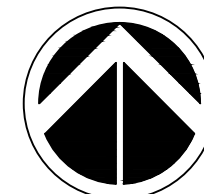
SECTION 3:

THAT, this ordinance 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 the Mayor in writing by the comptroller, and become effective as otherwise provided by law.

ATTEST:

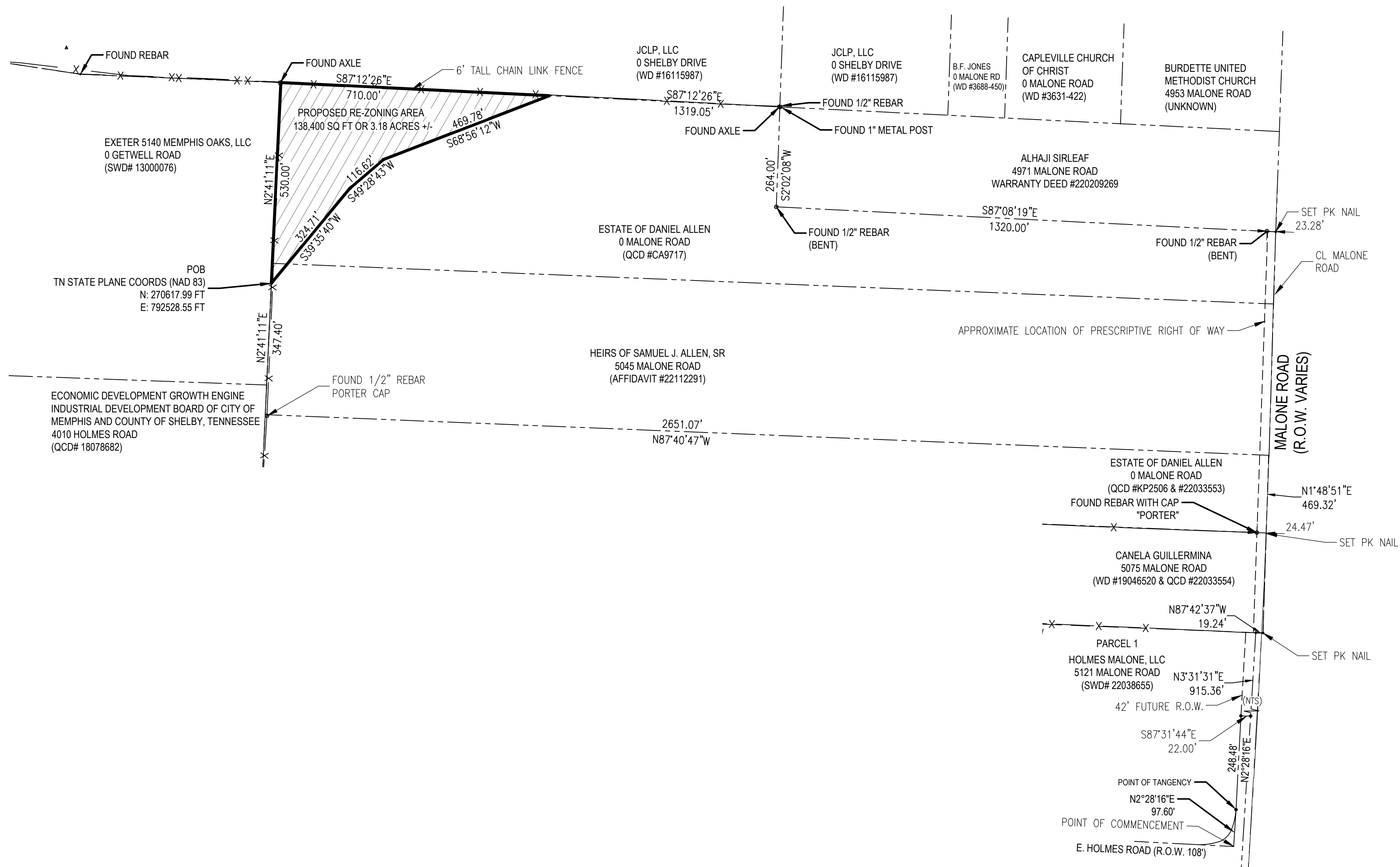
**CC: Division of Planning and Development
– Land Use and Development Services
– Office of Construction Enforcement
Shelby County Assessor**

//: ATTACHMENTS



TN GRID NORTH
(NAD 83)

0 100 200 400
1 INCH=200FT



NOTE: THE PURPOSE OF THIS EXHIBIT IS FOR RE-ZONING PURPOSES ONLY AND THE MEMPHIS & SHELBY COUNTY ZONING MAP WAS USED FOR SCALING THE DISTANCES AND ESTABLISHING THE GEOMETRY.



Pickering
Pickering Firm, Inc.
Facility Design • Civil Engineering • Surveying
• Transportation • Natural / Water Resources
6363 Poplar Avenue, Suite 300
Memphis, TN 38119
901.726.0810

RE-ZONING EXHIBIT		
PART OF THE ESTATE OF DANIEL ALLEN PROPERTY & THE HEIRS OF SAMUEL J. ALLEN, SR PROPERTY		
	AREA: 3.18 ACRES	
DATE: FEBRUARY 21, 2023	SCALE: 1" = 200'	SHEET 1 OF 1

**NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT
TO THE ZONING MAP OF THE CITY OF MEMPHIS**

Notice is hereby given that a Public Hearing will be held by the City Council of the City of Memphis in the Council Chambers, First Floor, City Hall, 125 North Main Street, Memphis, Tennessee 38103 on Tuesday, _____ at 3:30 P.M., in the matter of amending the Zoning Map of the City of Memphis, being Chapter 28, Article IV of the Code of Ordinances, City of Memphis, Tennessee, as amended, as follows:

CASE NUMBER: Z 2023-005
LOCATION: 0 Malone Road
COUNCIL DISTRICTS: District 3 and Super District 8 – Positions 1, 2, and 3
OWNER/APPLICANT: Allen Daniel(Estate of)/Josh Whitehead, Burch, Porter, & Johnson, PLLC
REPRESENTATIVE: Josh Whitehead, Burch, Porter, & Johnson, PLLC
REQUEST: Rezoning of +/-3.18 acres from Conservation Agriculture (CA) to Employment (EMP)
RECOMMENDATIONS:

Memphis and Shelby County Division of Planning and Development: *Approval*

Memphis and Shelby County Land Use Control Board: *Approval*

NOW, THEREFORE, you will take notice that on Tuesday, _____, at 3:30 P.M. the City Council of the City of Memphis, Tennessee will be in session at the City Hall, Council Chambers, 125 North Main Street, Memphis, Tennessee 38103 to hear remonstrance’s or protests against the making of such changes; such remonstrance’s or protests must be by personal appearances, or by attorneys, or by petition, and then and there you will be present if you wish to remonstrate or protest against the same.

This case will also be heard at the Planning and Zoning Committee on the same day with the specific time to be determined prior to the meeting date and posted on the City of Memphis’ website.

THIS THE _____, _____

MARTAVIOUS JONES
CHAIRMAN OF COUNCIL

ATTEST:

WALTER PERSON
CITY COMPTROLLER

TO BE PUBLISHED:

IMPORT AUTO SERVICE INC
2562 JACKSON AVE
MEMPHIS TN 38108

BLIGHT AUTHORITY OF MEMPHIS INC
480 DR ML KING JR AVE
MEMPHIS TN 38126

PITTMAN DENNIS AND TONI PITTMAN
P O BOX 820903 #
MEMPHIS TN 38182

N BINGHAM STREET INVESTMENTS LLC
13701 W JEWELL AVE #200-28
LAKEWOOD CO 80228

ARMSTRONG COTTRELL
2840 CHURCHILL ST #
MEMPHIS TN 38118

CITY OF MEMPHIS
2666 JACKSON AVE #
MEMPHIS TN 38108

MEMPHIS PROPERTY GROUP LLC
310 BARRY RD #
HOLLY SPRINGS MS 38635

SCOTT LONNIE
PO BOX 221102 ST #
MEMPHIS TN 38112

SHELBY COUNTY TAX SALE 16.03
PO BOX 2751 #
MEMPHIS TN 38101

B AND H PLUS INC
24 WATERS EDGE CV #
ATOKA TN 38004

BCP PROPERTIES (PSO)
P O BOX 383287 #
GERMANTOWN TN 38183

US SPRINT COMMUNICATIONS CO LTD PSO
PO BOX 8490 #
KANSAS CITY MO 64114

MARTINEZ RICARDO L & ROSA I
2631 JACKSON AVE #
MEMPHIS TN 38108

BALLARD MONROE JR
735 N PARKWAY #
MEMPHIS TN 38105

SYED HANIYYAH
2618 JACKSON AVE #
MEMPHIS TN 38108

JCM HOLDING LLC
2718 PERSHING AVE #
MEMPHIS TN 38112

HILLIARD ARTHUR I
2561 OGDEN AVE #
MEMPHIS TN 38112

FOSTER EDNA T
2601 LIBERTY AVE #
MEMPHIS TN 38108

JCM HOLDING LLC
2718 PERSHING AVE #
MEMPHIS TN 38112

SNIPES LATRICE M
1349 TUTWILER AVE #
MEMPHIS TN 38107

SANCHEZ EVELIN X V
860 BINGHAM DR #
MEMPHIS TN 38108

BLIGHT AUTHORITY OF MEMPHIS INC
480 DR ML KING JR AVE
MEMPHIS TN 38126

WHITE LATOYA
3382 WOODS LN #
SOUTHAVEN MS 38672

SHELBY COUNTY TAX SALE 13.02
PO BOX 2751 #
MEMPHIS TN 38101

BLIGHT AUTHORITY OF MEMPHIS INC
480 DR ML KING JR AVE
MEMPHIS TN 38126

HARRIS MARSHALL PAMELA M AND JENNIFER J
5824 LYNNFIELD CV #
MEMPHIS TN 38119

PARKS TONY J
1065 W MONTEBELLO CIR #
CORDOVA TN 38018

HAZLETT SHERLY A
2614 OGDEN AVE #
MEMPHIS TN 38112

ADAMS SOLOMON & VANESSA T
994 STONEWALL #
MEMPHIS TN 38107

SHELBY COUNTY TAX SALE 13.02
PO BOX 2751 #
MEMPHIS TN 38101

RUSHMORE REI LLC
2746 LONGSHADOW LN #
CORDOVA TN 38016

MCKINNEY FLOYD AND WAYNE MCKINNEY AND
2546 LYNDAL AVE #
MEMPHIS TN 38112

BLIGHT AUTHORITY OF MEMPHIS INC
480 DR ML KING JR AVE
MEMPHIS TN 38126

IRAHETA LORVIN A B
2667 JACKSON AVE #
MEMPHIS TN 38108

HUNT WILLIE J & JUANITA J
2552 LYNDAL AVE #
MEMPHIS TN 38112

BLIGHT AUTHORITY OF MEMPHIS INC
480 DR ML KING JR AVE
MEMPHIS TN 38126

SHELBY COUNTY TAX SALE 16.02
PO BOX 2751 #
MEMPHIS TN 38101

CARTER JERRY H AND DEBBIE CARTER PRIOR
3438 FAXON AVE #
MEMPHIS TN 38122

GONZALEZ JUAN C & FLOR D GARCIA
424 REGIS CV
CORDOVA TN 38018

REDEEMERS GROUP INC
3955 WHITEBROOK DR #
MEMPHIS TN 38118

SMITH SHIRLEY A
2562 LYNDAL AVE #
MEMPHIS TN 38112

COLEMAN LINDA & VERA M
2590 OGDEN AVE #
MEMPHIS TN 38112

MARTINEZ RICARDO & ROSA
2631 JACKSON AVE #
MEMPHIS TN 38108

JOHNSON HARRY L & MAMMIE L
2551 LYNDAL AVE #
MEMPHIS TN 38112

MCNELL SAMUEL F
PSC 103 BOX 2479 ST #
APO AE 9603

UNION REALTY COMPANY GP
PO BOX 3661 #
MEMPHIS TN 38173

REED MICHAEL E
PO BOX 751164 #
MEMPHIS TN 38175

HILLIARD JACQUELINE Y
2556 OGDEN AVE #
MEMPHIS TN 38112

JONES BARBARA
884 N HIGHLAND ST #
MEMPHIS TN 38122

CARIHIL MANAGEMENT INC
PO BOX 80403 #
MEMPHIS TN 38108

CHISM SIDNEY JR
776 N BINGHAM ST #
MEMPHIS TN 38112

THARP JAMES H
4385 POPLAR AVE #
MEMPHIS TN 38117

CITY OF MEMPHIS LG & W
125 N MAIN ST #
MEMPHIS TN 38103

PITTMAN WILLIE L & EMMA J
2593 OGDEN AVE #
MEMPHIS TN 38112

THARP JAMES H
4385 POPLAR AVE #2ND
MEMPHIS TN 38117

BLIGHT AUTHORITY OF MEMPHIS INC
480 DR ML KING JR AVE
MEMPHIS TN 38126

PITTMAN STACY
3084 WADE ST #
MEMPHIS TN 38128

BLIGHT AUTHORITY OF MEMPHIS INC
480 DR ML KING JR AVE
MEMPHIS TN 38126

HARRIS ROSIE L
2622 OGDEN #
MEMPHIS TN 38112

ROBERTSON ROBBIE
775 LOS ANGELES ST #
MEMPHIS TN 38112

BALLARD MONROE JR
735 N PARKWAY #
MEMPHIS TN 38105

SNIPES BRIAN S
2604 FELIX AVE #
MEMPHIS TN 38111

HARDING EUNICE P
2579 JACKSON AVE #
MEMPHIS TN 38108

JAMES LEROY & HENRIETTA
2354 ROZELLE ST #
MEMPHIS TN 38114

DUNN VAUDINE
760 N BINGHAM ST #
MEMPHIS TN 38122

MIRACLES FOR YOUTH LLC
32850 S ELK DR #
STEAMBOAT SPRINGS CO 80487

JONES SHARLINA AND ROBERT BURNS
140 HABITAT CV #
ROSSVILLE TN 38066

ALEXANDER MICHAEL & LUCILLE
755 N BINGHAM ST #
MEMPHIS TN 38112

VALLEJOS TOMAS AND NANCY ALVAREZ (RS)
2418 CABLE AVE
MEMPHIS TN 38114

M AND J TRUST (TR)
PO BOX 751164 #
MEMPHIS TN 38175

DUNN BONNIE F AND VAUDINE DUNN
760 N BINGHAM ST #
MEMPHIS TN 38112

SAVAGE CARTER J
120 SCENIC CT #
FAYETTEVILLE GA 30215

DOWERY GARRY
650 AYERS ST #
MEMPHIS TN 38107

RIVERA MANUEL
3535 KRUGER RD #
MEMPHIS TN 38108

SAGER JAMES E AND CHARLENE D EDWARDS
2589 JACKSON AVE #
MEMPHIS TN 38108

MEMPHIS SOCIAL HOUSING L P

VOLUNTEER BUYERS GP
111 S HIGHLAND #179
MEMPHIS TN 38111

SRIVY
875 W POPLAR AVE #23-232
COLLIERVILLE TN 38017

WHITE LATOYA
3382 WOODS LN #
SOUTHAVEN MS 38672

RODRIGUEZ JUAN G
756 LOS ANGELES ST #
MEMPHIS TN 38112

SRIVY
875 W POPLAR AVE #23-232
COLLIERVILLE TN 38017

GIBSON NANCY
766 N BINGHAM ST #
MEMPHIS TN 38112

GRACE CHURCH OF GOD IN CHRIST
982 MEAGHER ST #
MEMPHIS TN 38108

FILSINGER MANFRED
1241 GHERALD ST #
MEMPHIS TN 38122

CUMMINS INC
500 JACKSON ST #
COLUMBUS IN 47201

DIESEL RECON CO
P O BOX 3005 M/C 60113 #
COLUMBUS IN 47202

SAGER JAMES
2589 JACKSON AVE #
MEMPHIS TN 38108

MCCOVEY DENISE
13419 ANDY ST #
CERRITOS CA 90703

A PARENT'S CHOICE LEARNING ACADEMY LLC
2614 JACKSON AVE #
MEMPHIS TN 38108

RACTHAN GROUP LLC
387 SUZANNE PEAK CT #
HENDERSON NV 89012

LEGACY REALTY & HOLDINGS INC
3426 S PERKINS RD #
MEMPHIS TN 38118

TLC PROPERTIES INC
1600 CENTURY CENTER #104
BARTLETT TN 38134

ROSS CLARENCE & AZALE S
3048 WADE ST #
MEMPHIS TN 38128

TLC PROPERTIES INC
1600 CENTURY CENTER #104
BARTLETT TN 38134

WOODS CURTISTINE
800 COLUMBIA ST #
MEMPHIS TN 38112

OXFORD AND GRAHAM CORP
16720 STUEBNER AIRLINE RD #133
SPRING TX 77379

JOYNER DENNIS
794 COLUMBIA ST #
MEMPHIS TN 38112

OXFORD AND GRAHAM CORP
16720 STEUBNER AIRLINE RD #133
SPRING TX 77379

GILLUM RICHARD E & OLETHIA
788 COLUMBIA ST #
MEMPHIS TN 38112

HUBBARD LOUIS
782 COLUMBIA ST #
MEMPHIS TN 38112

MORENO MOISES B
778 COLUMBIA ST
MEMPHIS TN 38112

NELSON ELIZEBEATH
2619 LIBERTY AVE #
MEMPHIS TN 38108

WEATHERINGTON A J JR & BONNIE
120 E SWAN ST #224
CENTERVILLE TN 37033

OXFORD AND GRAHAM CORP
16720 STUEBNER AIRLINE RD #133
SPRING TX 77379

052056 00027C - IMPORT AUTO SERVICE INC
052056 00023 - N BINGHAM STREET INVESTMENTS LLC
052056 00024 - MEMPHIS PROPERTY GROUP LLC
052051 00004 - B AND H PLUS INC
052051 00003 - MARTINEZ RICARDO L & ROSA I
052052 00005 - JCM HOLDING LLC
052052 00003 - JCM HOLDING LLC
052051 00023 - BLIGHT AUTHORITY OF MEMPHIS INC
052051 00024 - BLIGHT AUTHORITY OF MEMPHIS INC
052051 00029 - HAZLETT SHERLY A
052051 00031 - BLIGHT AUTHORITY OF MEMPHIS INC
052030 00008 - ARMSTRONG COTTRELL
052051 00022 - SCOTT LONNIE
052048 00002 - BCP PROPERTIES (PSO)
052049 00002 - BALLARD MONROE JR
052031 00008 - HILLIARD ARTHUR I
052031 00011 - SNIPES LATRICE M
052049 00005 - WHITE LATOYA
052051 00019 - HARRIS MARSHALL PAMELA M AND JENNIFER J
052048 00006 - ADAMS SOLOMON & VANESSA T
052048 00007 - PITTMAN DENNIS AND TONI PITTMAN
052058 00024 - CITY OF MEMPHIS
052058 00062 - SHELBY COUNTY TAX SALE 16.03
052058 00065C - US SPRINT COMMUNICATIONS CO LTD PSO
052058 00072C - SYED HANIYYAH

052058 00077 - FOSTER EDNA T
052058 00080 - SANCHEZ EVELIN X V
052058 00068 - SHELBY COUNTY TAX SALE 13.02
052026 00038C - PARKS TONY J
052058 00071 - SHELBY COUNTY TAX SALE 13.02
052058 00079 - RUSHMORE REI LLC
052051 00005 - IRAHETA LORVIN A B
052058 00076 - SHELBY COUNTY TAX SALE 16.02
052058 00078 - REDEEMERS GROUP INC
052051 00002 - MARTINEZ RICARDO & ROSA
052051 00001 - UNION REALTY COMPANY GP
052029 00002 - JONES BARBARA
052029 00003 - THARP JAMES H
052029 00004 - THARP JAMES H
052051 00032C - BLIGHT AUTHORITY OF MEMPHIS INC
052029 00008 - MCKINNEY FLOYD AND WAYNE MCKINNEY AND
052029 00007 - HUNT WILLIE J & JUANITA J
052029 00006 - CARTER JERRY H AND DEBBIE CARTER PRIOR
052029 00005 - SMITH SHIRLEY A
052030 00005 - JOHNSON HARRY L & MAMMIE L
052030 00006 - REED MICHAEL E
052030 00007 - CARIHIL MANAGEMENT INC
052051 00025 - CITY OF MEMPHIS LG & W
052051 00026 - BLIGHT AUTHORITY OF MEMPHIS INC
052051 00027 - HARRIS ROSIE L

052051 00028 - BLIGHT AUTHORITY OF MEMPHIS INC
052051 00030 - BLIGHT AUTHORITY OF MEMPHIS INC
052050 00006 - GONZALEZ JUAN C & FLOR D GARCIA
052050 00007 - COLEMAN LINDA & VERA M
052030 00010 - MCNELL SAMUEL F
052030 00009 - HILLIARD JACQUELINE Y
052048 00001 - CHISM SIDNEY JR
052049 00019 - PITTMAN WILLIE L & EMMA J
052049 00018 - PITTMAN STACY
052048 00003 - ROBERTSON ROBBIE
052049 00003 - BALLARD MONROE JR
052031 00009 - JAMES LEROY & HENRIETTA
052048 00019 - JONES SHARLINA AND ROBERT BURNS
052031 00010 - M AND J TRUST (TR)
052051 00021 - DOWERY GARRY
052048 00004 - MEMPHIS SOCIAL HOUSING L P
052049 00004 - WHITE LATOYA
052048 00018 - GIBSON NANCY
052051 00020 - CUMMINS INC
052049 00017 - MCCOVEY DENISE
052031 00012 - SNIPES BRIAN S
052048 00017 - DUNN VAUDINE
052049 00006 - ALEXANDER MICHAEL & LUCILLE
052048 00016 - DUNN BONNIE F AND VAUDINE DUNN
052051 00018 - RIVERA MANUEL

052049 00015 - VOLUNTEER BUYERS GP
052051 00017 - RODRIGUEZ JUAN G
052048 00015 - GRACE CHURCH OF GOD IN CHRIST
052051 00006C - DIESEL RECON CO
052058 00074C - A PARENT'S CHOICE LEARNING ACADEMY LLC
052050 00002 - HARDING EUNICE P
052050 00016 - MIRACLES FOR YOUTH LLC
052050 00008 - VALLEJOS TOMAS AND NANCY ALVAREZ (RS)
052050 00009 - SAVAGE CARTER J
052050 00004 - SAGER JAMES E AND CHARLENE D EDWARDS
052050 00003 - SRIVY
052050 00019 - SRIVY
052050 00001 - FILSINGER MANFRED
052050 00005 - SAGER JAMES
052050 00018 - RACTHAN GROUP LLC
052050 00017 - LEGACY REALTY & HOLDINGS INC
052050 00015 - ROSS CLARENCE & AZALE S
052050 00014 - WOODS CURTISTINE
052050 00013 - JOYNER DENNIS
052050 00012 - GILLUM RICHARD E & OLETHIA
052050 00011 - HUBBARD LOUIS
052050 00010 - MORENO MOISES B
052058 00069C - NELSON ELIZEBEATH
052058 00081 - WEATHERINGTON A J JR & BONNIE
052049 00007 - OXFORD AND GRAHAM CORP

052058 00063 - TLC PROPERTIES INC

052058 00064 - TLC PROPERTIES INC

052048 00005 - OXFORD AND GRAHAM CORP

052049 00016 - OXFORD AND GRAHAM CORP

AGENDA ITEM: 28

CASE NUMBER: Z 2023-005 **L.U.C.B. MEETING:** April 13, 2023

LOCATION: 0 Malone Rd

COUNCIL DISTRICT: District 3 and Super District 8 – Positions 1, 2, and 3

OWNER/APPLICANT: Allen Daniel(Estate of)/Josh Whitehead, Burch, Porter, & Johnson, PLLC

REPRESENTATIVE: Josh Whitehead, Burch, Porter, & Johnson, PLLC

REQUEST: Rezoning of 3.18-acre property from CA, Conservation Agriculture, to EMP, Employment.

AREA: +/-3.18 acres

EXISTING ZONING: Conservation Agriculture (CA)

CONCLUSIONS

1. The request is to rezone 3.18 acres from Conservation Agriculture (CA) to Employment (EMP).
2. The underlying purpose of this application is a reclassification of 3.18 located to the extreme northwest of the subject property.
3. Staff finds the request is consistent with the Council of the City of Memphis and County Commission approved Memphis Airport Area Land Use Study Final Report (1992) and is an appropriate zoning district for the area that is compatible with the surrounding land uses.
4. The subject property is vacant at this time.

RECOMMENDATION

Approval

GENERAL INFORMATION

Street Frontage: Malone Road +/-166.3 curvilinear feet
Zoning Atlas Page: 2540
Parcel ID: 094100 00311 and 094100 00312
Area: +/-3.18 acres
Existing Zoning: Conservation Agriculture (CA) and Employment (EMP)
Requested Zoning: Employment (EMP)

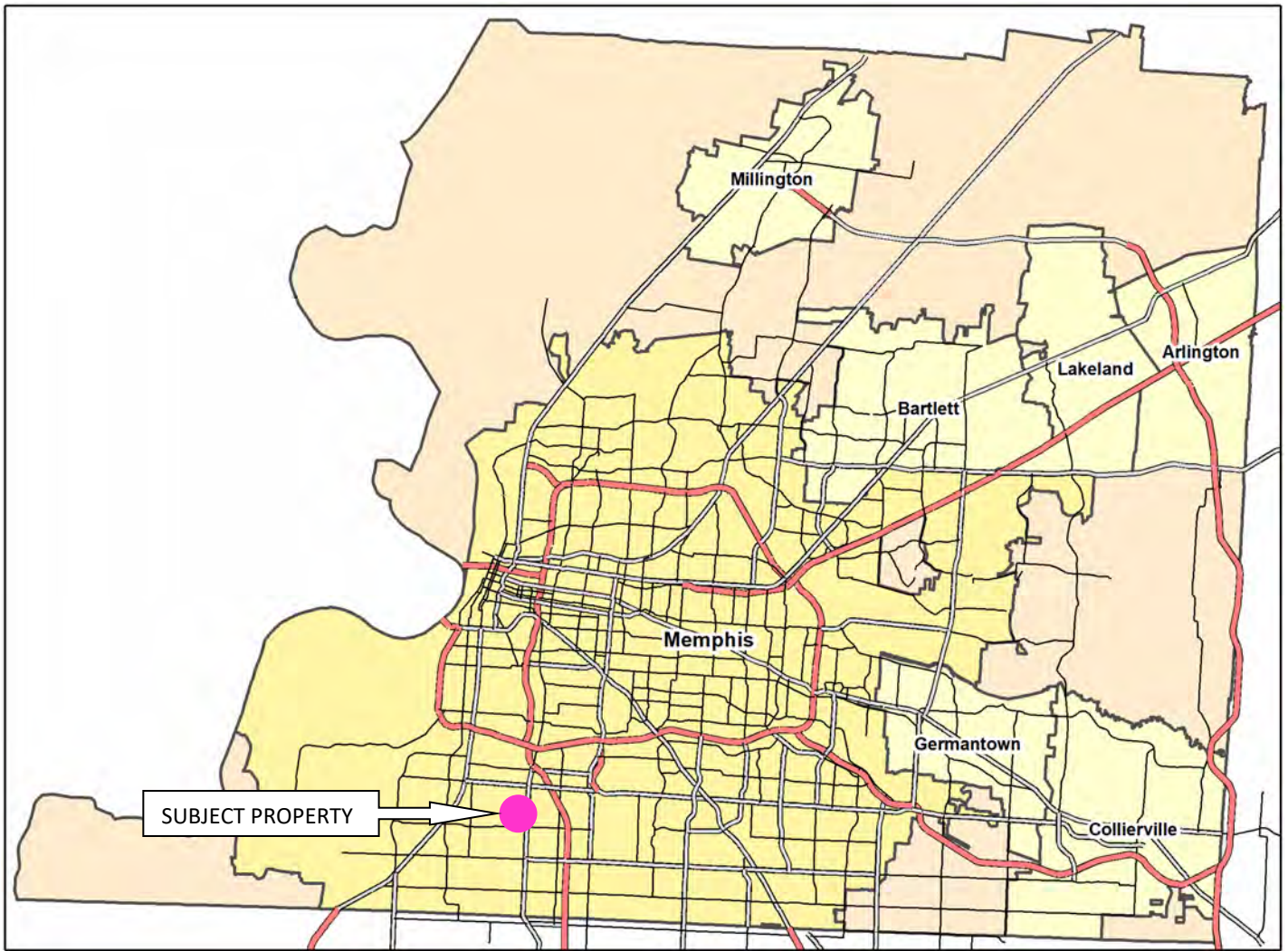
NEIGHBORHOOD MEETING

Not required, zoning change is in compliance with the Memphis Airport Area Land Use Study.

PUBLIC NOTICE

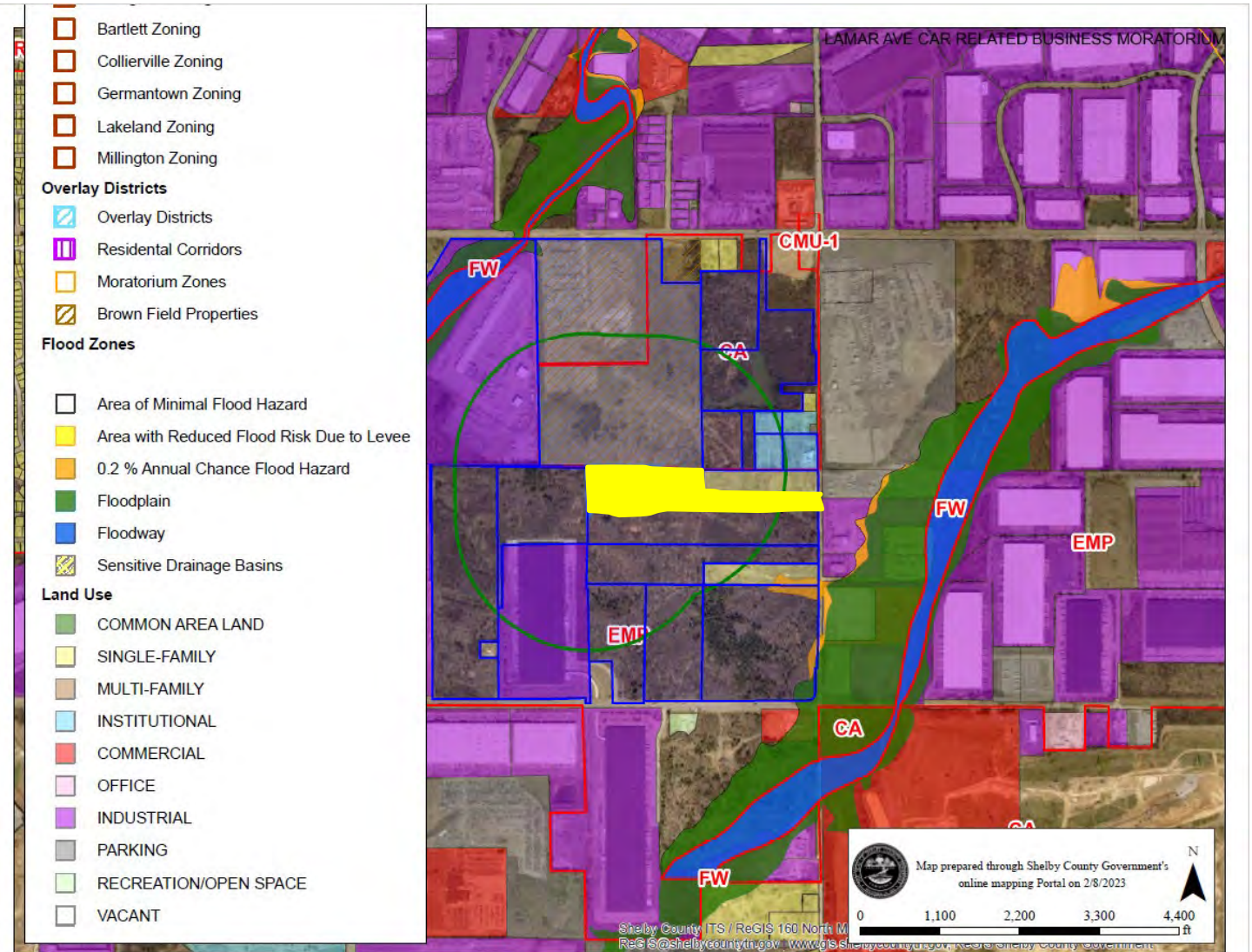
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 20 notices were mailed on March 23, 2023, and a total of 1 sign posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



Subject property located within the pink circle

VICINITY MAP



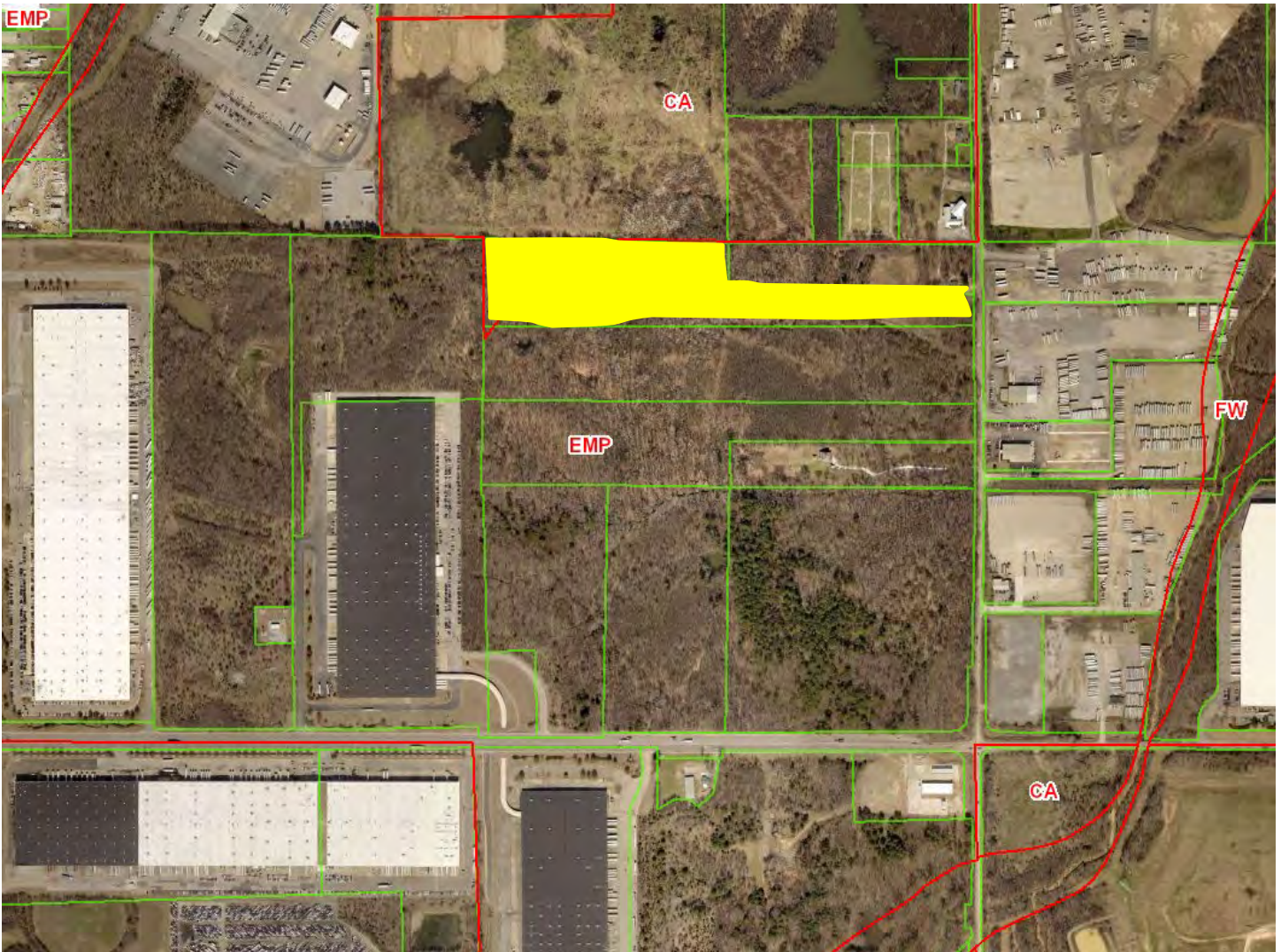
Subject property highlighted in yellow

AERIAL



Subject property outlined in yellow

ZONING MAP



Subject property highlighted in yellow

Existing Zoning: Conservation Agriculture (CA) and Employment (EMP)

Surrounding Zoning

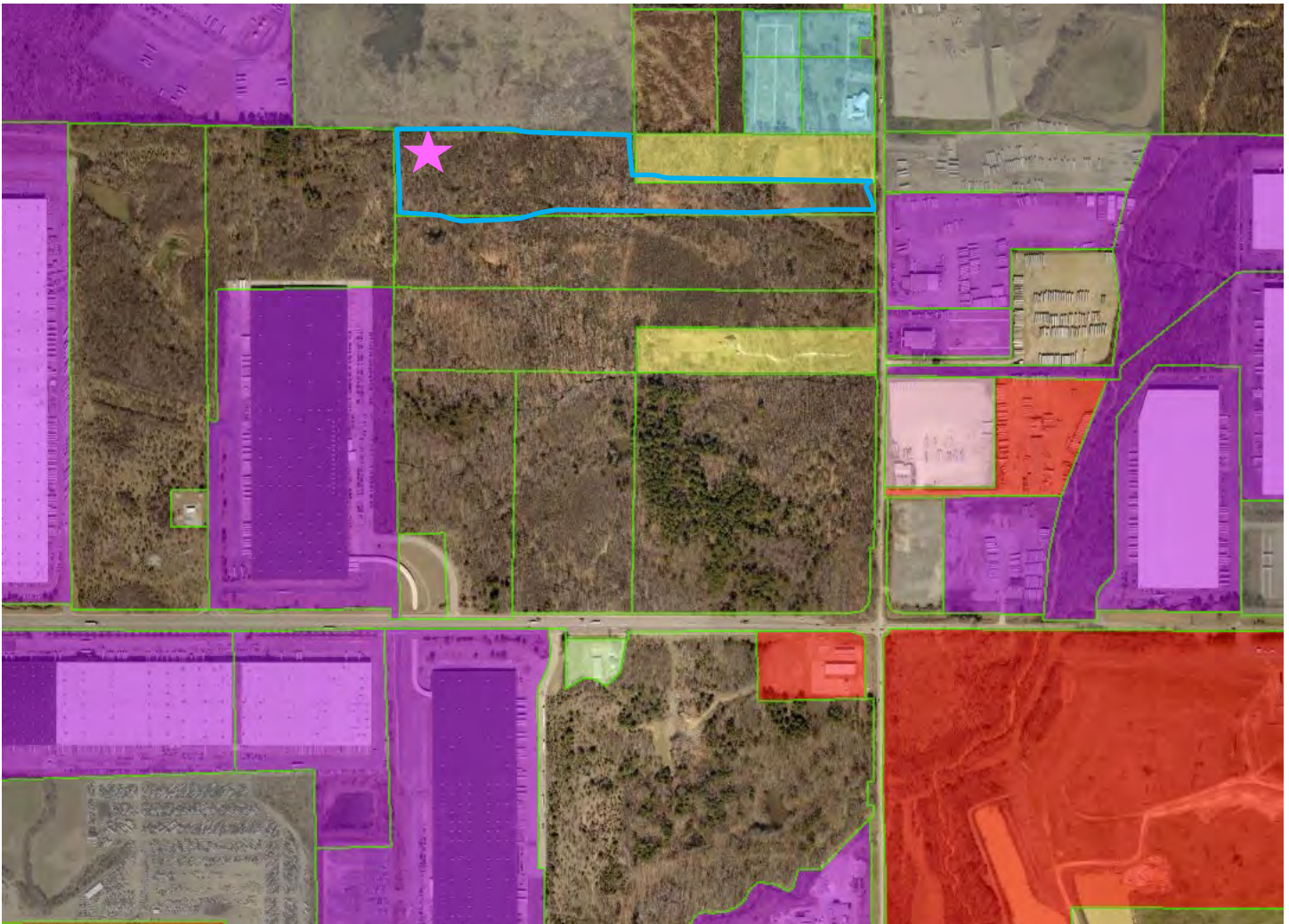
North: CA

East: FW

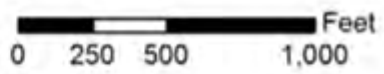
South: EMP










West: EMP

LAND USE MAP



LandUse



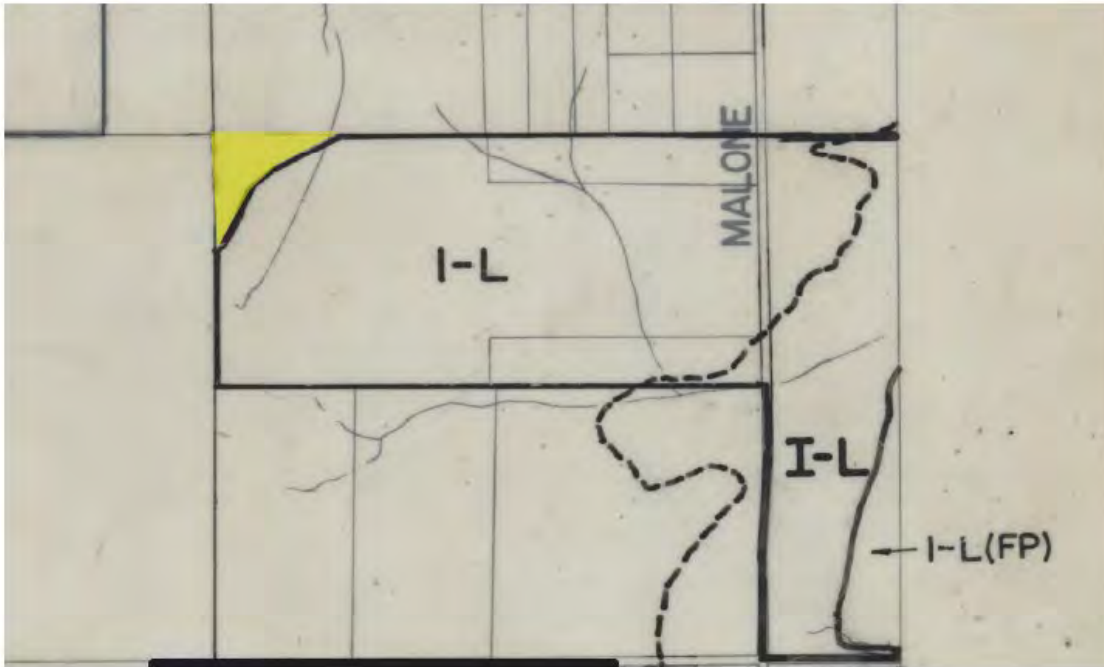
- | | |
|--|--|
|  SINGLE-FAMILY |  OFFICE |
|  MULTI-FAMILY |  INDUSTRIAL |
|  INSTITUTIONAL |  PARKING |
|  COMMERCIAL |  VACANT |
|  RECREATIONAL / OPEN SPACE | |



Subject property outlined in electric blue and indicated by pink star

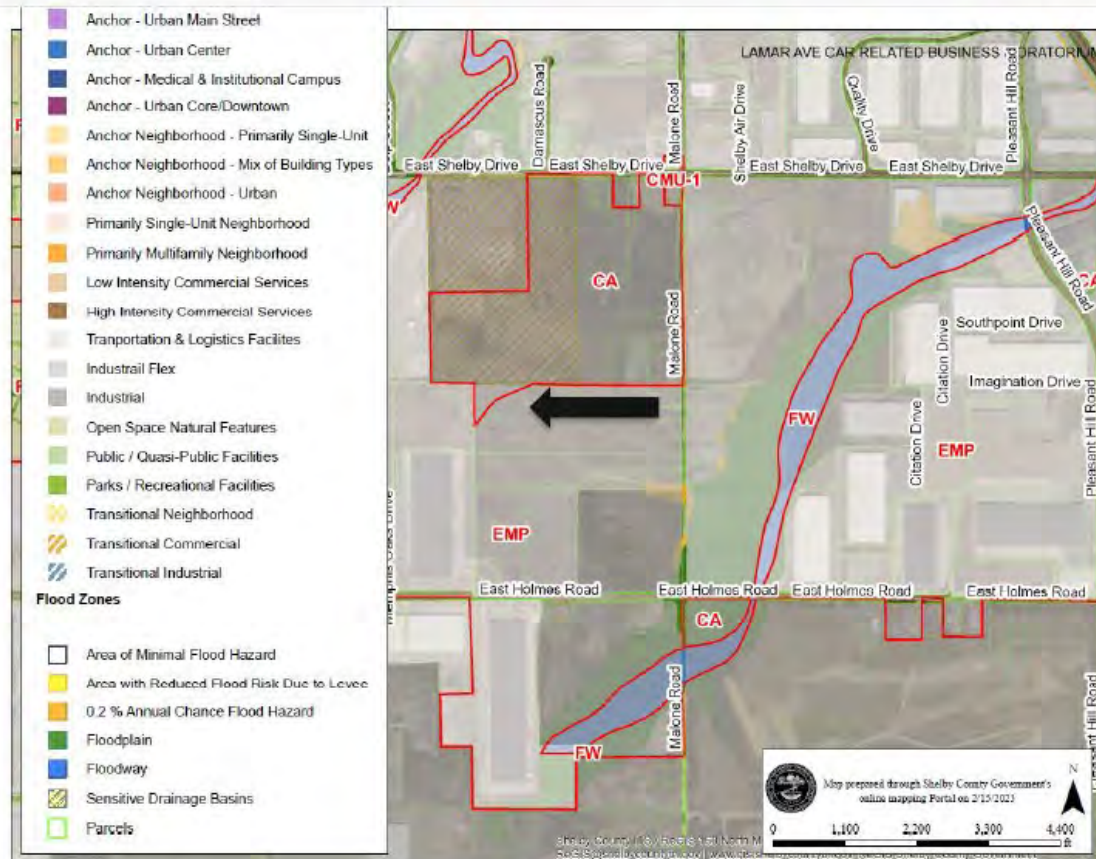
EXCERPT FROM 1980 ZONING ATLAS

EXHIBIT A: Excerpt from the 1980 Zoning Atlas (subject area highlighted in yellow; I-L is the former designation of what is now known as the EMP zoning district)



EXCERPT FROM THE MEMPHIS 3.0 GENERAL PLAN

EXHIBIT B: Excerpt from the Memphis 3.0 General Plan (subject area, identified with arrow, designated for “Industrial Flex”)



STAFF ANALYSIS

Request

The application and letter of intent have been added to this report.

The request is to rezone 3.18 acres from Conservation Agriculture (CA) to Employment (EMP).

Review Criteria

Staff agrees the review criteria as set out in Sub-Section 9.5.7B of the Unified Development Code are met.

9.5.7B Review Criteria

In making recommendations, the Land Use Control Board shall consider the following matters:

9.5.7B(1) Consistency with any plans to be considered (see Chapter 1.9);

9.5.7B(2) Compatibility with the present zoning (including any residential corridor overlay district) and conforming uses of nearby property and with the character of the neighborhood;

9.5.7B(3) Suitability of the subject property for uses permitted by the current versus the proposed district;

9.5.7B(4) Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the City or County; and

9.5.7B(5) The availability of adequate police services, fire services, school, road, park, wastewater treatment, water supply and stormwater drainage facilities for the proposed zoning.

Site Description

The subject property is +/-20.25 acres and comprised of two parcels located at 0 Malone Road. The site is currently zoned both Employment (EMP) and Conservation Agriculture (CA) and it is vacant land. There is 3.18 acres that is currently located to the extreme northwest corner of the subject property that is zoned Conservation Agriculture (CA). The remaining of the subject property is zoned Employment.

Memphis Airport Area Land Use Study Final Report

The Memphis Airport Area Land Use Study Final Report was adopted by Council of the City of Memphis in August of 1992 and by the Shelby County Commission in June 1992. This report indicates that residential uses are inappropriate for the area in which the subject property lies. The plan indicates Planned Business Park would be more appropriate, however, this is a zoning category that was never codified. Staff believes the Employment District is consistent with this plans recommendation and an appropriate zoning district for the area that is compatible with the surrounding land uses in which the subject property lies.

Conclusions

The request is to rezone 3.18 acres from Conservation Agriculture (CA) to Employment (EMP).

The underlying purpose of this application is a reclassification of 3.18 located to the extreme northwest of the subject property.

Staff finds the request is consistent with the Council of the City of Memphis and County Commission approved Memphis Airport Area Land Use Study Final Report (1992) and is an appropriate zoning district for the area that is compatible with the surrounding land uses.

The subject property is vacant at this time.

RECOMMENDATION

Staff recommends approval.

DEPARTMENTAL COMMENTS

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

- | | |
|---|-----------------------|
| City/County Engineer: | No comments received. |
| City/County Fire Division: | No comments received. |
| City Real Estate: | No comments received. |
| City/County Health Department: | No comments received. |
| Shelby County Schools: | No comments received. |
| Construction Code Enforcement: | No comments received. |
| Memphis Light, Gas and Water: | No comments received. |
| Office of Sustainability and Resilience: | No comments received. |
| Office of Comprehensive Planning: | No comments received. |

APPLICATION



Record Summary for Rezoning

Record Detail Information

Record Type: Rezoning

Record Status: Assignment

Opened Date: February 23, 2023

Record Number: Z 2023-005

Expiration Date:

Record Name: Memphis Oaks rezoning

Description of Work: Rezoning of 3.18-acre property from CA, Conservation Agriculture, to EMP, Employment.

Parent Record Number:

Address:

0 MALONE RD, MEMPHIS, TN 38118

Owner Information

Primary	Owner Name
Y	ALLEN DANIEL (ESTATE OF)

Owner Address	Owner Phone
4283 TURTLE CV, MEMPHIS, TN 38141	

Parcel Information

094100 00311

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner	Brett Ragsdale
Date of Meeting	02/15/2023
Pre-application Meeting Type	Email

GENERAL INFORMATION

GENERAL INFORMATION

Is this application in response to a citation from Construction Code Enforcement or Zoning Letter? No
 Have you held a neighborhood meeting? No
 If yes, please provide additional information -

GIS INFORMATION

Central Business Improvement District No
 Case Layer BOA1954-096-CO
 Class R
 Downtown Fire District No
 Historic District -
 Land Use VACANT
 Municipality -
 Overlay/Special Purpose District -
 Zoning EMP
 State Route -
 Lot -
 Subdivision -
 Planned Development District -
 Wellhead Protection Overlay District -

Data Tables

ADDRESS AND PARCEL LIST

Property Parcel Number: 094100 00312

Contact Information

Name JOSH WHITEHEAD Contact Type APPLICANT

Address

Phone

(901)524-5127

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1450854	Credit Card Use Fee (.026 x fee)	1	0.00	INVOICED	0.00	02/23/2023
1451196	Non-Residential Rezoning - 5 acres or less	1	1,000.00	INVOICED	0.00	02/24/2023

Total Fee Invoiced: \$1,000.00

Total Balance: \$0.00

Payment Information

Payment Amount \$1,000.00 Method of Payment Check

LETTER OF INTENT



Josh Whitehead
Senior Attorney
Direct: 901.524.5127
jwhitehead@bpjlaw.com

LAW OFFICES
Burch, Porter & Johnson, PLLC
130 North Court Avenue
Memphis, TN 38103
Phone: 901.524.5000
Fax: 901.524.5024
bpjlaw.com

February 23, 2023

Brett Ragsdale, AIA
Zoning Administrator
Memphis and Shelby County
Division of Planning and Development

Mary W. Sharp and
Members
Memphis and Shelby County
Land Use Control Board

Dear Mr. Ragsdale and Madam Chair:

On behalf of PDC TN/FL LPIV, LLC, I am pleased to submit this application for the rezoning of approximately 3.18 acres located in the center of the block bounded by Shelby Drive on the north, Malone Road on the east, Holmes Road on the south and Getwell Road on the west.

The subject 3.18 acres represents the extreme northwest corners of two tax parcels that are both located in two different zoning districts. The 3.18 acres is currently located in the CA, Conservation Agriculture, zoning district, while the balance of the tax parcels (Parcel IDs 094100 00311 and 094100 00312) are located in the EMP, Employment, zoning district. This may be a result of a lot line shift that occurred at some point in the past, as this unusual zoning boundary has existed for at least 40+ years (see Exhibit A, excerpt from the 1980 Zoning Atlas).

This request involves the reclassification of the 3.18 acres described above from the CA district to the EMP district, which is 1) supported by Memphis 3.0 (see Exhibit B, excerpt from the Memphis 3.0 General Plan), 2) will establish a single zoning district for the subject tax parcels and 3) will match the zoning of abutting properties to the east, south and west and the zoning of property approximately 1200 feet to the north of the subject property.

Thank you for your consideration of this matter.

Very truly yours,

A handwritten signature in blue ink, appearing to read "J. Whitehead", written over a light blue horizontal line.

Josh Whitehead

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, Marvin Brown, being duly sworn, depose and say that at 9:30 am/pm on the 14 day of March, 2023, I posted 1 Public Notice Sign(s) pertaining to Case No. 223-05 at Malone Road providing notice of a Public Hearing before the (check one):

- Land Use Control Board
- Board of Adjustment
- Memphis City Council
- Shelby County Board of Commissioners

for consideration of a proposed land use action, a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

[Signature]
Owner, Applicant or Representative

3-14-2023
Date

Subscribed and sworn to before me this 14th day of March, 2023.

Catherine Crawford
Notary Public

My commission expires: 7-1-23



My Comm. Exp. 7-1-2023

LETTERS RECEIVED

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



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

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

April 17, 2023

Allen Daniel (Estate of)
4283 Turtle Cv.
Memphis, TN 38141

Sent via electronic mail to: jwhitehead@bpjlaw.com

Case Number: Z 23-005
LUCB Recommendation: Approval

Dear applicant,

On Thursday, April 13, 2023, the Memphis and Shelby County Land Use Control Board recommended **approval** of your rezoning application located at 0 Malone Road – Parcel #'s 094100 00311 and 094100 00312 of 3.18 acres from Conservation Agriculture (CA) to Employment (EMP) located to the extreme northwest of the subject property.

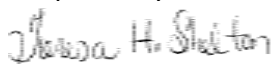
This application will be forwarded, for final action, to the Council of the City of Memphis. Ordinances appear on three consecutive Council Agendas with the third one being the Public Hearing. The Council will review your application in a committee meeting prior to voting on it in a public hearing. The applicant or the applicant's representative(s) shall be in attendance at all meetings and hearings.

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

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

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

Respectfully,



Teresa H. Shelton
Municipal Planner

Letter to Applicant

Z 23-005

Land Use and Development Services
Division of Planning and Development

Cc: Josh Whitehead, Burch, Porter, & Johnson, PLLC
File



Record Summary for Rezoning

Record Detail Information

Record Type: Rezoning

Record Status: Assignment

Opened Date: February 23, 2023

Record Number: Z 2023-005

Expiration Date:

Record Name: Memphis Oaks rezoning

Description of Work: Rezoning of 3.18-acre property from CA, Conservation Agriculture, to EMP, Employment.

Parent Record Number:

Address:

0 MALONE RD, MEMPHIS, TN 38118

Owner Information

Primary Owner Name

Y ALLEN DANIEL (ESTATE OF)

Owner Address

4283 TURTLE CV, MEMPHIS, TN 38141

Owner Phone

Parcel Information

094100 00311

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner

Brett Ragsdale

Date of Meeting

02/15/2023

Pre-application Meeting Type

Email

GENERAL INFORMATION

GENERAL INFORMATION

Is this application in response to a citation from Construction Code Enforcement or Zoning Letter? No
Have you held a neighborhood meeting? No
If yes, please provide additional information -

GIS INFORMATION

Central Business Improvement District No
Case Layer BOA1954-096-CO
Class R
Downtown Fire District No
Historic District -
Land Use VACANT
Municipality -
Overlay/Special Purpose District -
Zoning EMP
State Route -
Lot -
Subdivision -
Planned Development District -
Wellhead Protection Overlay District -

Data Tables

ADDRESS AND PARCEL LIST

Property Parcel Number: 094100 00312

Contact Information

Name JOSH WHITEHEAD Contact Type APPLICANT
Address
Phone (901)524-5127

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1450854	Credit Card Use Fee (.026 x fee)	1	0.00	INVOICED	0.00	02/23/2023
1451196	Non-Residential Rezoning - 5 acres or less	1	1,000.00	INVOICED	0.00	02/24/2023

Total Fee Invoiced: \$1,000.00 Total Balance: \$0.00

Payment Information

Payment Amount \$1,000.00 Method of Payment Check

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

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

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

OWNER: Includes the holder of legal title as well as holders of any equitable interest, such as trust beneficiaries, contract purchasers, option holders, lessees under leases having an unexpired term of at least ten years, and the like. Whenever a statement of ownership is required by the Memphis and Shelby County Unified Development Code, full disclosure of all legal and equitable interest in the property is required. Memphis and Shelby County Unified Development Code Section 12.3.1.

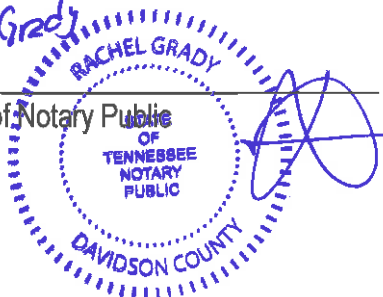
I, Whit Hamilton, state that I have read the definition of "Owner" as outlined in the Memphis and Shelby County Unified Development Code Section 12.3.1 and hereby state that (select applicable box):

(Whitfield Hamilton, partner of PDC TN/FL LP IV, LLC, a Delaware Limited Liability Company)

- I am the owner of record as shown on the current tax rolls of the county Assessor of Property; the mortgage holder of record as shown in the mortgage records of the county Register of Deeds; purchaser under a land contract; a mortgagee or vendee in possession; or I have a freehold or lesser estate in the premises
- I have charge, care or control of the premises as trustee, agent, executor, administrator, assignee, receiver, guardian or lessee (and have included documentation with this affidavit)

of the property located at 0 Malone Road
and further identified by Assessor's Parcel Number Part of Parcels 094100 00311 and 094100 00312,
for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 23rd day of February in the year of 2023.

Rachel Grady
Signature of Notary Public 

My Commission Expires
January 11, 2026

My Commission Expires



Josh Whitehead
Senior Attorney
Direct: 901.524.5127
jwhitehead@bpjlaw.com

LAW OFFICES
Burch, Porter & Johnson, PLLC
130 North Court Avenue
Memphis, TN 38103
Phone: 901.524.5000
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February 23, 2023

Brett Ragsdale, AIA
Zoning Administrator
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Mary W. Sharp and
Members
Memphis and Shelby County
Land Use Control Board

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Thank you for your consideration of this matter.

Very truly yours,

Josh Whitehead

EXHIBIT A: Excerpt from the 1980 Zoning Atlas (subject area highlighted in yellow; I-L is the former designation of what is now known as the EMP zoning district)

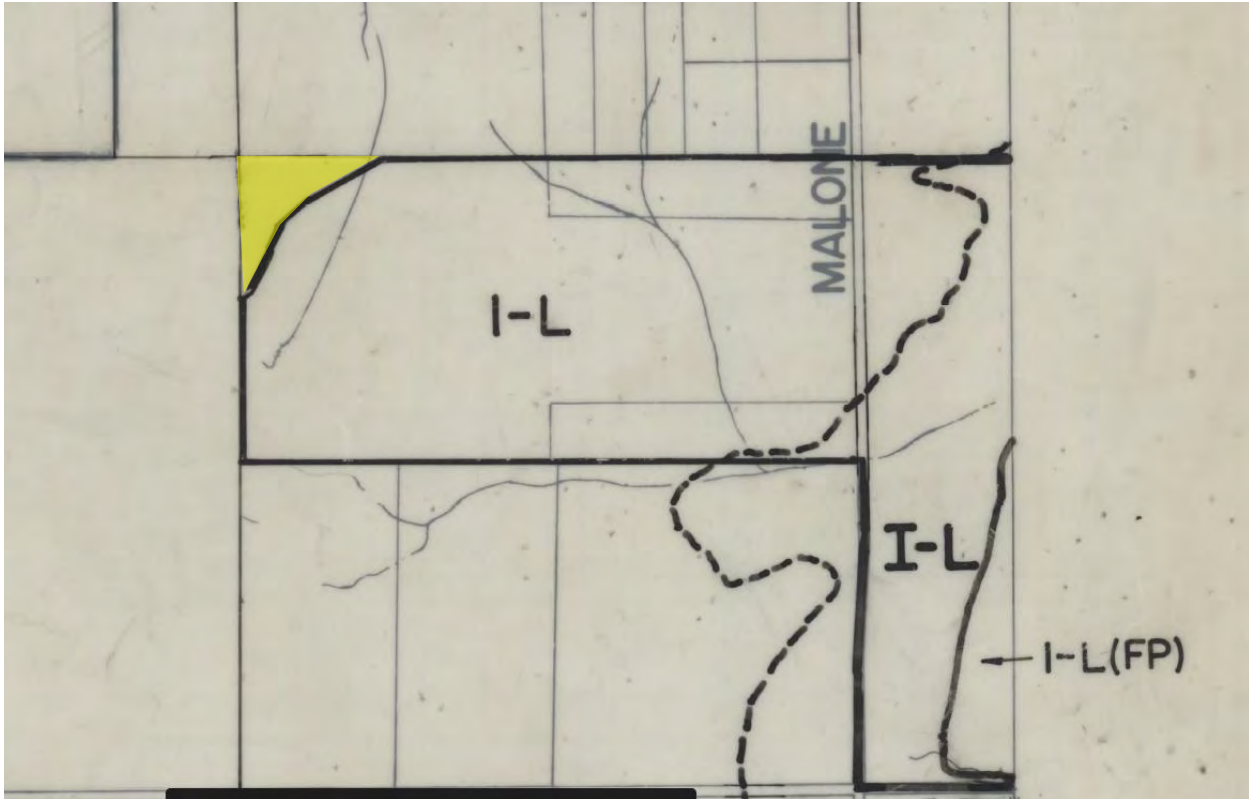
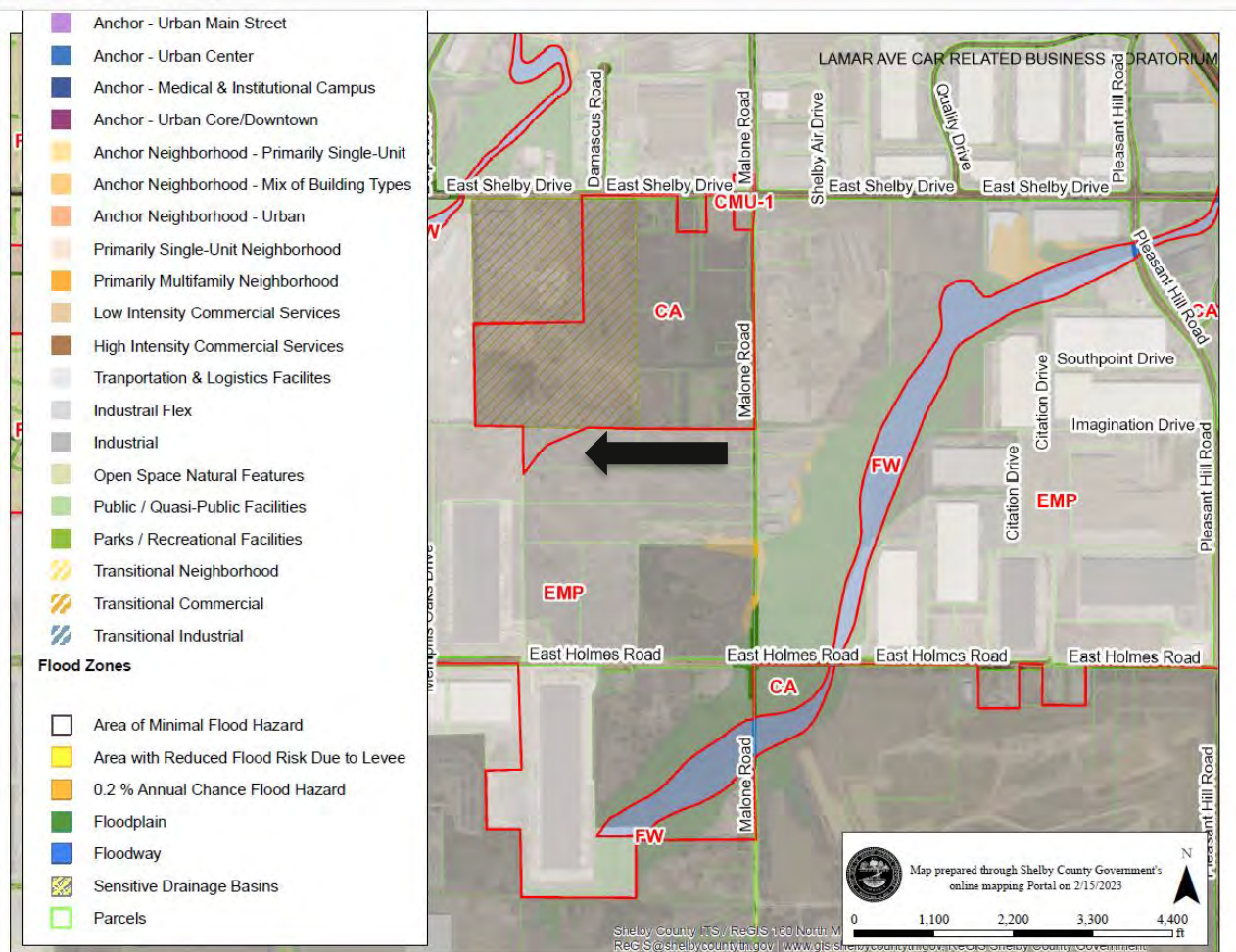
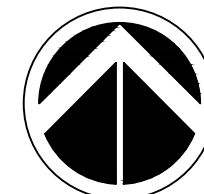


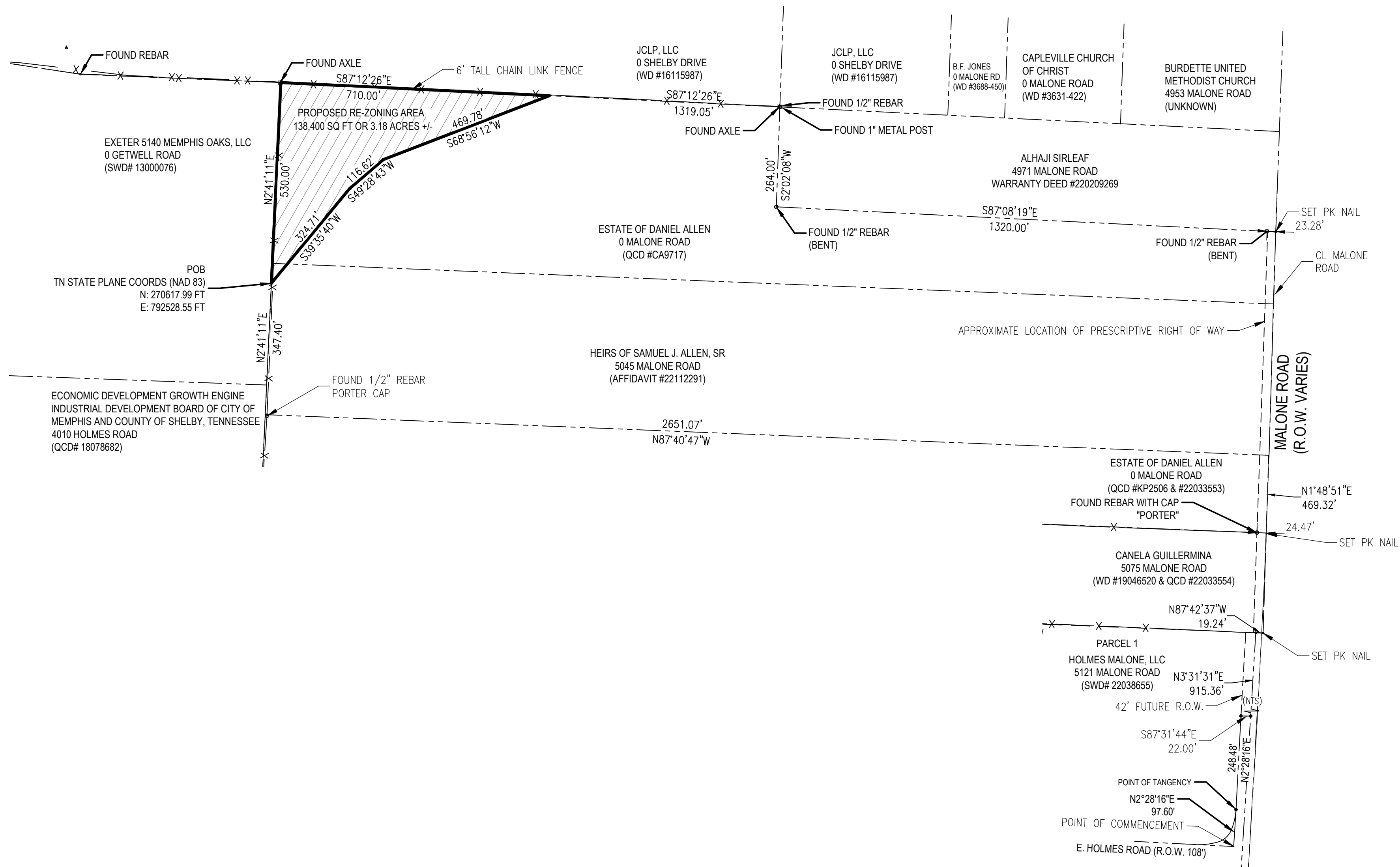
EXHIBIT B: Excerpt from the Memphis 3.0 General Plan (subject area, identified with arrow, designated for “Industrial Flex”)





TN GRID NORTH
(NAD 83)

0 100 200 400
1 INCH=200FT



NOTE: THE PURPOSE OF THIS EXHIBIT IS FOR RE-ZONING PURPOSES ONLY AND THE MEMPHIS & SHELBY COUNTY ZONING MAP WAS USED FOR SCALING THE DISTANCES AND ESTABLISHING THE GEOMETRY.



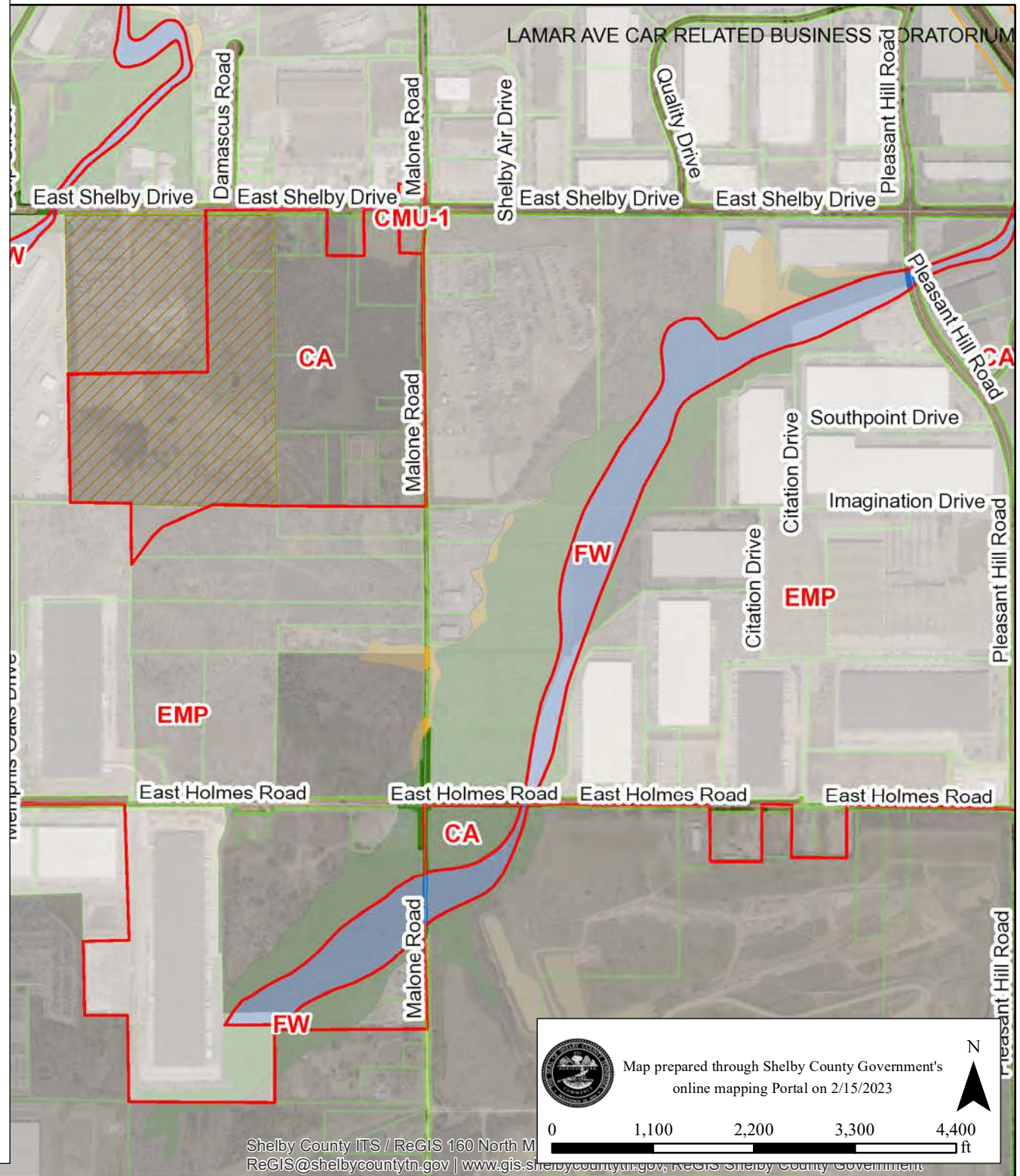
Pickering
Pickering Firm, Inc.
Facility Design • Civil Engineering • Surveying
• Transportation • Natural / Water Resources
6363 Poplar Avenue, Suite 300
Memphis, TN 38119
901.726.0810

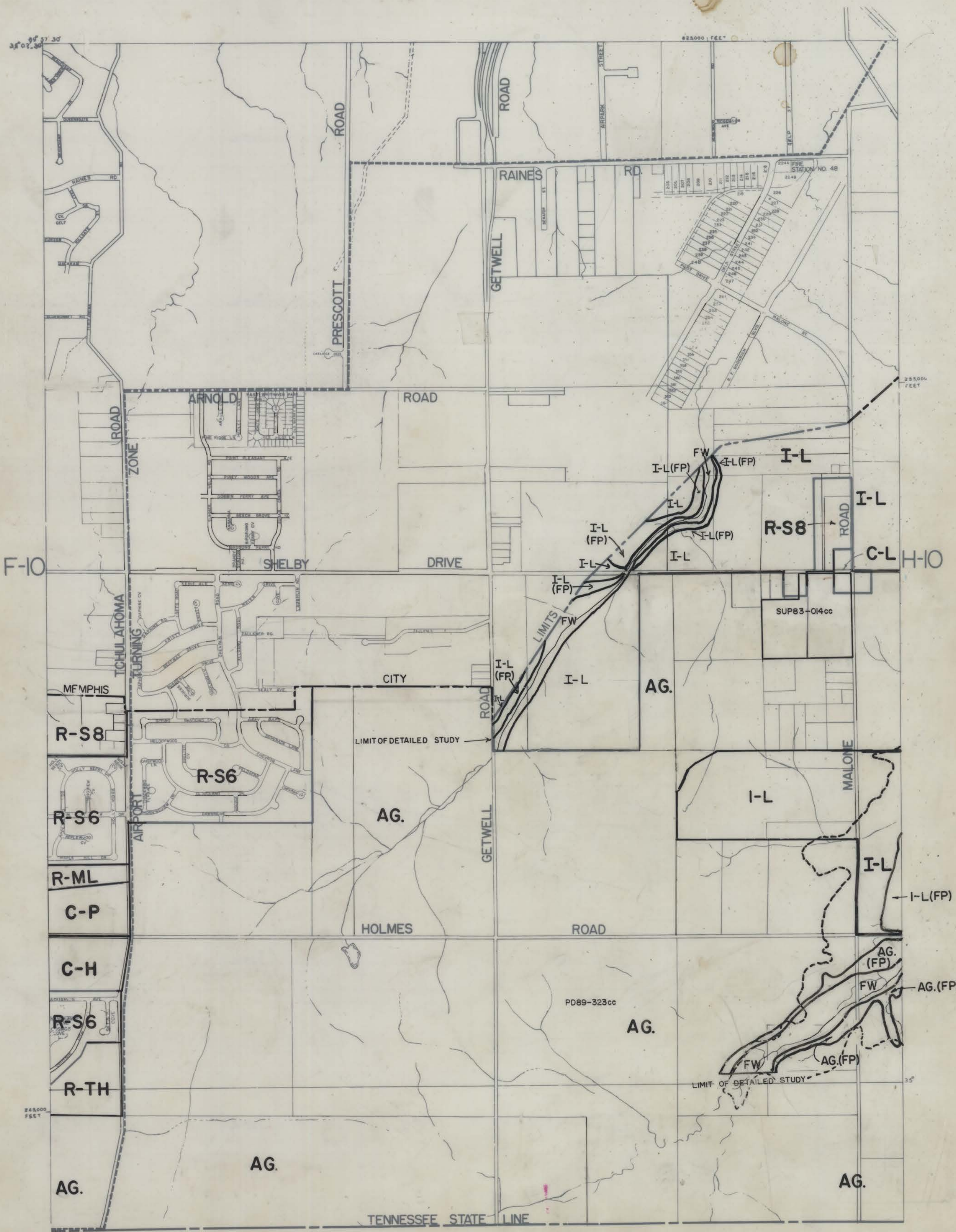
RE-ZONING EXHIBIT		
PART OF THE ESTATE OF DANIEL ALLEN PROPERTY & THE HEIRS OF SAMUEL J. ALLEN, SR PROPERTY		
	AREA: 3.18 ACRES	
DATE: FEBRUARY 21, 2023	SCALE: 1" = 200'	SHEET 1 OF 1

- Anchor - Urban Main Street
- Anchor - Urban Center
- Anchor - Medical & Institutional Campus
- Anchor - Urban Core/Downtown
- Anchor Neighborhood - Primarily Single-Unit
- Anchor Neighborhood - Mix of Building Types
- Anchor Neighborhood - Urban
- Primarily Single-Unit Neighborhood
- Primarily Multifamily Neighborhood
- Low Intensity Commercial Services
- High Intensity Commercial Services
- Transportation & Logistics Facilities
- Industriail Flex
- Industrial
- Open Space Natural Features
- Public / Quasi-Public Facilities
- Parks / Recreational Facilities
- Transitional Neighborhood
- Transitional Commercial
- Transitional Industrial

Flood Zones

- Area of Minimal Flood Hazard
- Area with Reduced Flood Risk Due to Levee
- 0.2 % Annual Chance Flood Hazard
- Floodplain
- Floodway
- Sensitive Drainage Basins
- Parcels





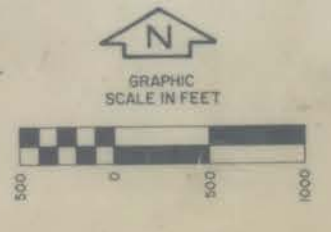
ANNUAL REVISIONS The following schedule correctly reflects all of the zoning map amendments that have been adopted by the County Board of Commissioners during the calendar year indicated.

Year	Director of Planning	Year	Director of Planning
1977	[Signature]	1978	[Signature]

We hereby certify that this map was adopted in joint session on the Zoning District Map for the City-County Five-Mile Zone by the Council of the City of Memphis and Board of Commissioners of Shelby County on 10/16/78 and is effective on 1/1/79.

Robert Tamboli
 COUNTY COMMISSIONER

Dorothy G. Beard
 COUNTY CLERK



Prepared By
 MEMPHIS AND SHELBY COUNTY
 OFFICE OF PLANNING AND DEVELOPMENT

PROPERTY DESCRIPTION OF AREA TO BE RE-ZONED

DESCRIPTION OF PART OF THE HEIRS OF SAMUEL J. ALLEN, SR PROPERTY PER AFFIDAVIT INSTRUMENT NO. 22112291 AND THE ESTATE OF DANIEL ALLEN PROPERTY PER QUIT CLAIM DEED INSTRUMENT NO. CA9717, ALL OF RECORD IN THE REGISTER'S OFFICE IN THE CITY OF MEMPHIS, SHELBY COUNTY, TENNESSEE AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE POINT OF TANGENT INTERSECTION OF THE NORTH LINE OF HOLMES ROAD (108 FEET WIDE AT THIS POINT) WITH THE WEST LINE OF MALONE ROAD (42 FEET WEST OF THE CENTERLINE OF MALONE ROAD AT THIS POINT); THENCE NORTH 02 DEGREES 28 MINUTES 16 SECONDS EAST-97.60 FEET ALONG THE WEST LINE OF MALONE ROAD TO THE POINT OF TANGENCY; THENCE CONTINUING NORTHWARDLY ALONG SAID SAME WEST LINE 248.48 FEET ALONG THE EAST LINE OF THE HOLMES MALONE, LLC PROPERTY PER SPECIAL WARRANTY DEED 22038655 TO A R.O.W. OFFSET POINT; THENCE SOUTH 87 DEGREES 31 MINUTES 44 SECONDS EAST-22.00 FEET TO A POINT IN THE PRESENT WEST LINE OF MALONE ROAD; THENCE NORTH 03 DEGREES 31 MINUTES 31 SECONDS EAST-915.36 FEET ALONG THE WEST LINE OF MALONE ROAD AND THE EAST LINE OF THE HOLMES MALONE, LLC PROPERTY TO A POINT BEING THE NORTH EAST CORNER OF SAID HOLMES PROPERTY AND IN THE SOUTH LINE OF THE CANELA GUILLERMINA PROPERTY (WD INST. NO. 19046520 AND QCD INST. NO. 22033554, S.C.R.O.); THENCE SOUTH 87 DEGREES 42 MINUTES 37 SECONDS EAST-19.24 FEET ALONG THE SOUTH LINE OF THE CANELA GUILLERMINA PROPERTY TO AN OFFSET POINT IN THE CURRENT CENTER LINE OF MALONE ROAD; THENCE NORTH 1 DEGREE 48 MINUTES 51 SECONDS EAST-469.32 FEET ALONG THE CENTER OF MALONE ROAD AND ALONG THE EAST LINE OF SAID GUILLERMINA PROPERTY AND THE EAST LINE OF THE ESTATE OF DANIEL ALLEN PROPERTY (QCD INST. NO. KP2506 AND INST. NO. 22033553, S.C.R.O.) TO A POINT BEING THE NORTHEAST CORNER OF SAID ESTATE OF DANIEL ALLEN PROPERTY; THENCE (LEAVING MALONE ROAD) NORTH 87 DEGREES 40 MINUTES 47 SECONDS WEST-2651.07 FEET ALONG THE NORTH LINE OF THE SAID ESTATE OF DANIEL ALLEN PROPERTY AND THE SOUTH LINE OF THE HEIRS OF SAMUEL J ALLEN, SR PROPERTY (AFFADAVIT NO. 22112291, S.C.R.O.) TO A POINT IN THE EAST LINE OF THE ECONOMIC DEVELOPMENT GROWTH ENGINE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF MEMPHIS AND SHELBY COUNTY OF TENNESSEE PROPERTY (QCD INST. NO. 18078682, S.C.R.O.); THENCE NORTH 02 DEGREES 41 MINUTES 11 SECONDS EAST-347.40 FEET ALONG THE WEST LINE OF THE ESTATE OF DANIEL ALLEN AND THE HEIRS OF SAMUEL J ALLEN, SR PROPERTIES, BEING THE EAST LINE OF THE SAID ECONOMIC DEVELOPMENT GROWTH ENGINE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF MEMPHIS AND SHELBY COUNTY OF TENNESSEE PROPERTY AND THEN ALONG THE EAST LINE OF THE EXETER 5140 MEMPHIS OAKS, LLC PROPERTY (SWD INST. NO. 13000076, S.C.R.O.) TO A POINT BEING POINT OF BEGINNING AND BEING FURTHER LOCATED AT TENNESSEE STATE PLANE COORDINATES (NAD 83) NORTH 270617.99 FEET AND EAST 792528.55 FEET;

THENCE NORTH 02 DEGREES 41 MINUTES 11 SECONDS EAST – 530.00 FEET ALONG THE EAST LINE OF SAID “EXETER” PROPERTY TO A FOUND AXLE IN THE SOUTH LINE OF THE JCLP, LLC PROPERTY (WD INST. NO. 16115987);

THENCE SOUTH 87 DEGREES 12 MINUTES 26 SECONDS EAST – 710.00 FEET ALONG THE SOUTH LINE OF THE JCLP, LLC PROPERTY TO A POINT;

THENCE, LEAVING SAID BOUNDARY LINE, SOUTH 68 DEGREES 56 MINUTES 12 SECONDS WEST – 469.78 FEET ACROSS THE ESTATE OF DANIEL ALLEN PROPERTY TO AN ANGLE POINT;

THENCE SOUTH 49 DEGREES 28 MINUTES 43 SECONDS WEST – 116.62 FEET ACROSS THE ESTATE OF DANIEL ALLEN PROPERTY TO AN ANGLE POINT;

THENCE SOUTH 39 DEGREES 35 MINUTES 40 SECONDS WEST – 324.71 FEET ACROSS PART OF THE ESTATE OF DANIEL ALLEN PROPERTY AND A PORTION OF THE HEIRS OF SAMUEL J. ALLEN, SR PROPERTY TO THE POINT OF BEGINNING.





CONTAINING 138,400 SQUARE FEET OR 3.18 ACRES, MORE OR LESS.

ALL COORDINATES ARE TENNESSEE STATE PLANE (NAD 83).







NOTE: THE PURPOSE OF THIS DESCRIPTION IS FOR RE-ZONING PURPOSES ONLY AND THE MEMPHIS & SHELBY COUNTY ZONING MAP WAS USED FOR SCALING THE DISTANCES AND ESTABLISHING THE GEOMETRY.

-  Bartlett Zoning
-  Collierville Zoning
-  Germantown Zoning
-  Lakeland Zoning
-  Millington Zoning











Overlay Districts

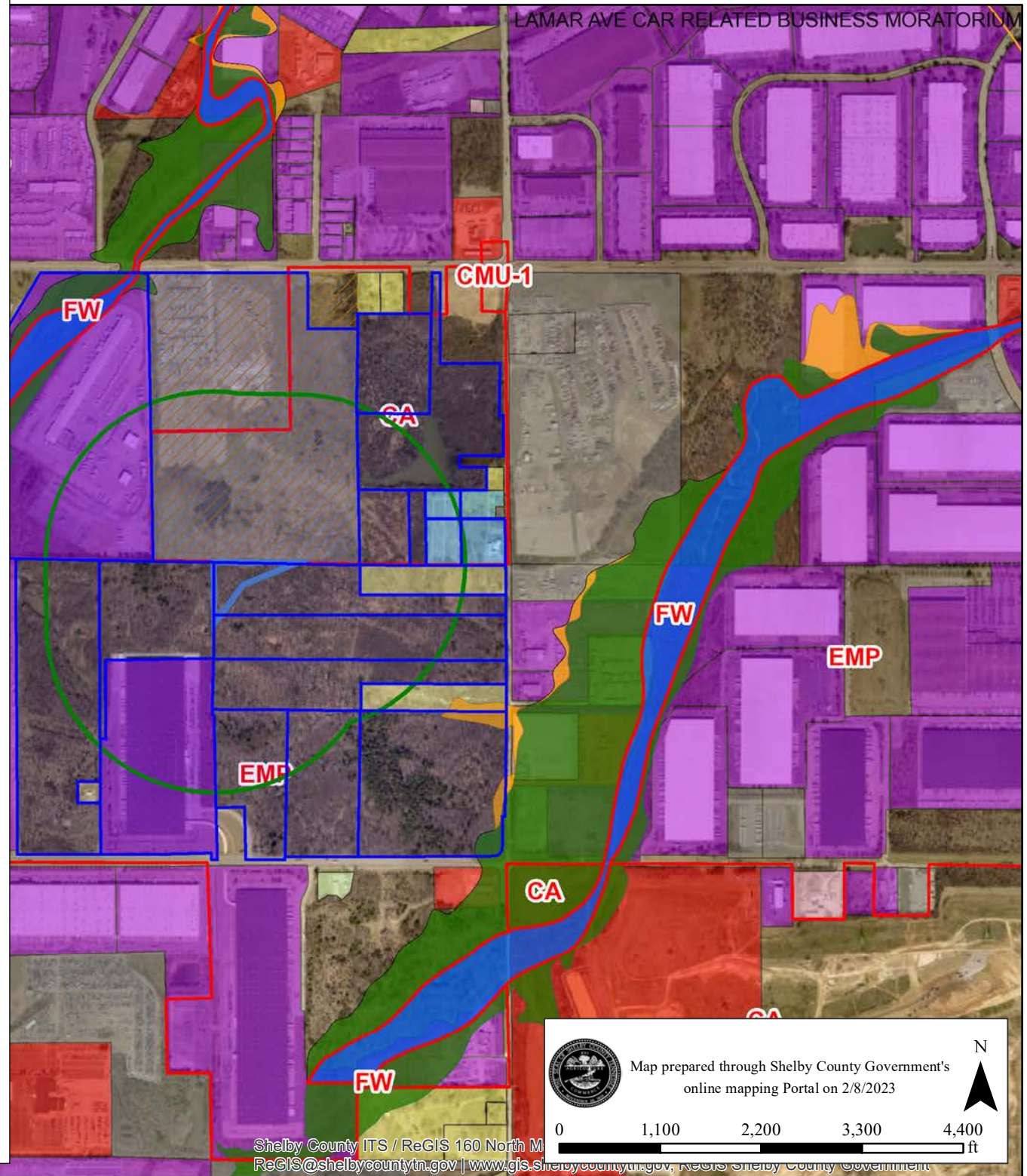
-  Overlay Districts
-  Residential Corridors
-  Moratorium Zones
-  Brown Field Properties


Flood Zones

-  Area of Minimal Flood Hazard
-  Area with Reduced Flood Risk Due to Levee
-  0.2 % Annual Chance Flood Hazard
-  Floodplain
-  Floodway
-  Sensitive Drainage Basins

Land Use

-  COMMON AREA LAND
-  SINGLE-FAMILY
-  MULTI-FAMILY
-  INSTITUTIONAL
-  COMMERCIAL
-  OFFICE
-  INDUSTRIAL
-  PARKING
-  RECREATION/OPEN SPACE
-  VACANT




 Map prepared through Shelby County Government's
 online mapping Portal on 2/8/2023

0 1,100 2,200 3,300 4,400
 ft

N

094100 00313 - ALLEN DANIEL
094100 00035C - JCLP LLC
094100 00039 - BURDETTE UNITED METHODIST CHURCH TRS
094100 00312 - ALLEN DANIEL C JR AND CARL A ALLEN AND
094100 00031 - MEMPHIS OAKS LAND HOLDINGS LPIV LLC
094100 00034 - ALLEN SAMUEL AND MARTHA A JACKSON AND
094100 00037 - JONES B F TR
094100 00042 - CAPLEVILLE CHURCH OF CHRIST
094100 00311 - ALLEN DANIEL
094100 00038 - CAPLEVILLE CHURCH OF CHRIST
094100 00047C - JCLP LLC
094100 00100 - BRIDGEFORTH GRADY AND HERBERT WILLIAMS
094100 00321 - GALAXY DEVELOPMENT CORP
094100 00085C - RLIF CENTRAL LLC
094100 00032 - CANELA GUILLERMINA
094100 00178 - MEMPHIS OAKS LAND HOLDINGS LPIV LLC
094100 00094C - MEMPHIS OAKS LAND HOLDINGS LPIV LLC
094100 00179 - ECONOMIC DEV GROWTH ENGINE INDUSTRIAL
094100 00309 - MEMPHIS OAKS LAND HOLDINGS LPIV LLC
094100 00310 - EXTER 5140 MEMPHIS OAKS LLC

ALLEN DANIEL
4971 MALONE RD #
MEMPHIS TN 38118

JCLP LLC
2505 FARRISVIEW RD #
MEMPHIS TN 38118

JCLP LLC
2505 FARRISVIEW RD #
MEMPHIS TN 38118

BRIDGEFORTH GRADY AND HERBERT WILLIAMS
4225 E SHELBY DR #
MEMPHIS TN 38118

BURDETTE UNITED METHODIST CHURCH TRS
4953 MALONE RD #
MEMPHIS TN 38118

GALAXY DEVELOPMENT CORP
6987 ESTACADA WAY S
CORDOVA TN 38018

ALLEN DANIEL C JR AND CARL A ALLEN AND
4971 MALONE RD #
MEMPHIS TN 38118

RLIF CENTRAL LLC
201 WEST ST #200
ANNAPOLIS MD 21401

MEMPHIS OAKS LAND HOLDINGS LPIV LLC
8775 FOLSOM BLVD #
SACRAMENTO CA 95826

CANELA GUILLERMINA
1151 HIGHWAY 51 N #14
NESBIT MS 38651

ALLEN SAMUEL AND MARTHA A JACKSON AND
4971 MALONE RD #
MEMPHIS TN 38118

MEMPHIS OAKS LAND HOLDINGS LPIV LLC
35 MUSIC SQ E #301
NASHVILLE TN 37203

JONES B F TR
24569 NORWOOD DR W
SOUTHFIELD MI 48075

MEMPHIS OAKS LAND HOLDINGS LPIV LLC
35 MUSIC SQ E #301
NASHVILLE TN 37203

CAPLEVILLE CHURCH OF CHRIST
GENERAL DELIVERY #
MEMPHIS TN 38101

ECONOMIC DEV GROWTH ENGINE INDUSTRIAL
100 PEABODY PL #1100
MEMPHIS TN 38103

ALLEN DANIEL
4971 MALONE RD #
MEMPHIS TN 38118

MEMPHIS OAKS LAND HOLDINGS LPIV LLC
35 MUSIC SQ E #301
NASHVILLE TN 37203

CAPLEVILLE CHURCH OF CHRIST
GENERAL DELIVERY #
MEMPHIS TN 38101

EXTER 5140 MEMPHIS OAKS LLC
101 W ELM ST #600
CONSHOHOCKEN PA 19428

TOTAL 20

2

COMPLIMENTS OF
STEWART TITLE COMPANY OF MEMPHIS

This Instrument Prepared by:
TIM J. THOMPSON, ATTORNEY
140 North Third Street
Memphis, TN 38103

QUIT CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS, That CARL A. ALLEN
for and in consideration of TEN DOLLARS (\$10.00) AND LOVE AND AFFECTION DOLLARS
do hereby bargain, sell, remise, release, quit claim and convey unto DANIEL ALLEN, JR.
the following described real estate located in City of Memphis County of Shelby, State of Tennessee, to wit:

Part of the north half of the southeast quarter of Section 10, Township 1, Range 7 West in the Second Civil District of Shelby County, Tennessee and being more particularly described as follows:

Beginning at a point in Malone Road, said point being 858 feet southwardly from the northeast corner of the southeast quarter of Section 10, Township 1, Range 7 West; thence southwardly along said Mlaone Road a distance of 198 feet to a point; thence westwardly 1320 feet to a point; thence southwardly 264.0 feet to a point; thence westwardly 1320.0 feet to a point; thence northwardly 462.0 feet to a point; thence eastwardly 2640.0 feet to a point of beginning.

PROPERTY ADDRESS: 4971 Malone Road, Memphis, TN 38118.

I (We) do hereby quit claim the title herein conveyed against the lawful claims of all persons claiming the same by, through or under me (us), but not further or otherwise.

IN TESTIMONY WHEREOF, I (We) have executed this instrument this 3 day of January 1994

Carl A. Allen
CARL A. ALLEN

STATE OF TENNESSEE, COUNTY OF SHELBY

Before me, a Notary Public in and for said State and County, duly commissioned and qualified, personally appeared CARL A. ALLEN

to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same as HIS free act and deed.

WITNESS my hand and Notarial Seal at office this 3 day of January 1994

[Signature]
Notary Public

My commission expires 2-9-94

PROPERTY KNOWN AS: 4971 Malone Road, Memphis, TN 38118

MAIL TAX NOTICE TO: 4971 Malone Road, Memphis, TN 38118

I, OR WE, hereby swear or affirm that to the best of affiants knowledge, information, and belief, the actual consideration for this transfer is \$10.00 and love and affection.

Parcel No.
D025300033

PROPERTY OWNER & ADDRESS
DANIEL ALLEN JR
4971 Malone Rd
MEMPHIS TN 38118

Carl A. Allen
AFFIANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS 3 DAY OF January 1994

[Signature]
NOTARY PUBLIC



K P 2 5 0 6

10/20/2000-11:47:25

Title Transfer: Quit Claim Deed	13
D/C: 0 - GENE REVER	
TRANSFER VALUATION	10.00
TN MORTGAGE TAX	N / A
TN TRANSFER TAX	N / A
RECORDING FEE	0.00
OP FEE	2.00
REGISTER'S FEE	N / A
WALK THRU FEE	0.00
TOTAL AMOUNT	12.00
PAGE COUNT: 2	PAGE ADDED: No
GROUP ID: X00017032T	
STATE of TENNESSEE, COUNTY of SHELBY	
Joe M. Reyes, REGISTER	

QC 1000



Shelby County Tennessee

Willie F. Brooks Jr

Shelby County Register

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



22112291

10/06/2022 - 10:19:12 AM

2 PGS	
LAQUITA 2500619 - 22112291	
VALUE	0.00
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	10.00
DP FEE	2.00
REGISTER'S FEE	0.00
TOTAL AMOUNT	12.00

WILLIE F. BROOKS JR
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

Prepared by Lorna J. Reynolds
1602 Coolhurst Ave
Sherwood Ar 72120

AFFIDAVIT OF HEIRSHIP

I, George M. Jones, Sr., swear under oath that I have personal knowledge of the matters stated in this Affidavit and am not an heir of Samuel J. Allen, Sr., decedent. I reside at 9432 Journey Drive, Sherwood, Arkansas, 72120, Pulaski County.

I was married to Vertice A. Jones, daughter of Samuel J. Allen, Sr. until her death on November 16, 2005. The Decedent, Samuel J. Allen, Sr. died June 9, 1989 in Memphis, Tennessee, Shelby County with no will. At the time of Mr. Allen's death he was a widower with eight surviving children and one child that preceded him in death. Mr. Allen's children inherited twenty-four acres (Parcel #094100 00312) of sixty-four acres of property as described:

Part of the North Half of the Southeast Quarter of Section 10, Township 1, Range 7 West in the Second Civil District of Shelby County, Tennessee. Beginning at a point in Malone Road said point being 4.00 chains south of the northeast corner of the southeast quarter of Section 10, Township 1, Range 7 West, thence south with Malone Road 12.00 chains to a point; thence west 20.00 chains to a point; thence south 4.00 chains to a point; thence west with the south line of the northwest quarter of the southeast quarter of Section 10, Township 1, Range 7 West, 20.00 chains to a point; thence north with the West line of the southeast quarter of Section 10, Township 1, Range 7 West 20.00 chains to the northwest corner of said southeast quarter of Section 10, Township 1, Range 7 west; thence east with the north line of the southeast quarter of Section 10, Township 1, Range 7 West, 20.00 chains to a point; thence south 4.00 chains to a point; thence east 20.00 chains to the point of beginning and containing 64.00 acres of land.

All of Mr. Allen's children have now passed away with surviving heirs to the land as described above. The names of those heirs to the best of my knowledge and belief as grandchildren of Samuel J. Allen, Sr. are listed below and are entitled to inherit the twenty-four acres (Parcel #094100 00312):

- | | | | |
|----------------------|----------------------|---------------------|-------------------|
| Debra Brooks | Lloyd Rhodes | Alvin Rhodes | Phyllis Franklin |
| Reginald Rhodes | Adrian Rhodes | Alecia Oldham | Bryan Rhodes |
| Ardath Campbell | Gavin White | Maleka Isom | Karen Thompson |
| James E. Allen, Jr. | Rita Myles | Dorothy Allen | Kenny Allen |
| Sheila Allen | Cheryl Sizemore | Moses E. Allen, Jr. | Paula Gandy |
| Cleshea Macklin | Leroy Anderson | Jacqueline Anderson | Donald Anderson |
| Floyd Anderson | Donald R. Allen, Jr. | Kara Allen | Lorna J. Reynolds |
| George M. Jones, Jr. | Robbyn Jones | | |

AFFIANT: George M. Jones, Sr 10/4/2022
Signature Date

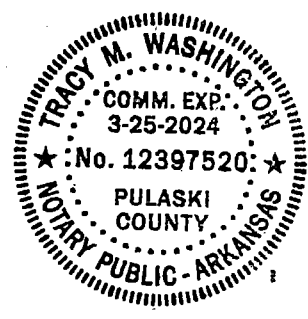
George M. Jones, Sr 501-231-1297
Printed Name Telephone Number

Subscribed and sworn to be this 4th day of October, 2022.

Tracy M. Washington Notary Public Signature

Tracy M. Washington Notary Public Printed Name

My Commission expires: 3-25-2024



ORDINANCE NO.

AN ORDINANCE TO MAKE MINIMALLY NECESSARY CHANGES TO CERTAIN COUNCIL DISTRICTS ESTABLISHED BY ORDINANCE NO. 5833 TO ENHANCE THE RELATIVE POPULATION DISPERSION AMONG ALL SUCH DISTRICTS AND TO INSURE THAT ALL SUCH DISTRICTS WILL CONTINUE TO COMPLY WITH THE INJUNCTION DECREE ISSUED BY UNITED STATES DISTRICT JUDGE JEROME TURNER PERTAINING TO VOTING RIGHTS ACT REMEDIES

P R E A M B L E

WHEREAS, the City Council adopted Substitute Ordinance No. 5833 on August 23, 2022 to revise City Council electoral districts and to reapportion the City's population based on the population changes reflected in the 2020 federal census;

WHEREAS, Substitute Ordinance No. 5833 expressed the intention to make only minimal changes in existing Council Districts necessary to make each Council District be as equal in population as practicable while complying with 1996 referendum charter amendment and the permanent injunction entered by Judge Jerome Turner on January 29, 1997 that made permanent the redistricting plan approved by Memphis voters;

WHEREAS, a potential clerical error in the total census population for the City may cause the population in two of the single member districts to be outside the ideal ranges of population dispersion preferred under traditional redistricting principles;

WHEREAS, the potential clerical error in the total census population for the City does not affect the redistricting plan for Super Districts or for the remaining five single member districts adopted in Substitute Ordinance No. 5833;

WHEREAS, U.S. Supreme Court and Tennessee precedents recognize that there are no redistricting safe harbors and that population dispersion is one of a totality of factors that courts consider to determine the validity of an electoral redistricting plan;

WHEREAS, assuming that there are deviations from the ideal ranges of population dispersion in Ordinance No. 5833 for two single member districts the Council's legal counsel has expressed the opinion that such deviations do not affect

the legal validity of the redistricting plan for any council district adopted in Ordinance No. 5833;

WHEREAS, the Council desires out of an abundance of caution to reassign one precinct from Districts 5 to District 2, which will bring those districts within the ideal ranges of population dispersion preferred under traditional redistricting principles;

WHEREAS, the Council finds that the proposed change to the redistricting plan adopted in Ordinance No. 5833 does not dilute minority vote, create voter confusion and disruption, materially change the compactness of any district or existing voting patterns of minority voters; and

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

Section 1. Redistricting Amendment. That the Council districts 1 through 7, both inclusive, which are represented, by one council member each and multi-member districts 8 and 9, which are composed of approximately one-half the total city's population and are each represented by three (3) council members elected by position, shall each be amended and reconstituted to include the following Wards and Precincts:

DISTRICT ONE shall consist of the areas, within the corporate limits of the City of Memphis and those areas within “split wards and precincts”, encompassed by the Wards and Precincts using the Election Commission’s 2021 Precinct Assignments as set forth below:

- DISTRICT 1
- 111
- 108
- 110
- 609
- 601
- 606
- 502
- 109
- 608
- 605
- 604

501

505

DISTRICT TWO shall consist of the areas, within the corporate limits of the City of Memphis and those areas within “split wards and precincts”, encompassed by the Wards and Precincts using the Election Commission’s 2021 Precinct Assignments as set forth below:

DISTRICT 2

404

412

409

407

509

507

511

202

1205

1204

1303

403

408

504

1203

1202

1312

510

508

ADDED

1301

DISTRICT THREE shall consist of the areas, within the corporate limits of the City of Memphis and those areas within “split wards and precincts, encompassed by the Wards and Precincts using the Election Commission’s 2021 Precinct Assignments as set forth below:

DISTRICT 3

1106

1108

1105

1207

1208
1201
1107
908
1009
1010
911
907

DISTRICT FOUR shall consist of the areas, within the corporate limits of the City of Memphis and those areas within “split wards and precincts, encompassed by the Wards and Precincts using the Election Commission’s 2021 Precinct Assignments as set forth below:

DISTRICT 4

1101
1307
1008
1005
1004
1007
811
1003
1103
1001
1102
1104

DISTRICT FIVE shall consist of the areas, within the corporate limits of the City of Memphis and those areas within “split wards and precincts, encompassed by the Wards and Precincts using the Election Commission’s 2021 Precinct Assignments as set forth below:

DISTRICT 5

401
708
709
707
1308
710

1304
1302
1301 reassigned
to District 2
1305
1306
1309
1310
1311
402

DISTRICT SIX shall consist of the areas, within the corporate limits of the City of Memphis and those areas within “split wards and precincts, encompassed by the Wards and Precincts using the Election Commission’s 2021 Precinct Assignments as set forth below:

DISTRICT 6

909
906
901
910
905
904
902
903
1002
812
808
810
809
806
807
1006

DISTRICT SEVEN shall consist of the areas, within the corporate limits of the City of Memphis and those areas within “split wards and precincts, encompassed by the Wards and Precincts using the Election Commission’s 2021 Precinct Assignments as set forth below:

DISTRICT 7

803
104
801
701
702
703
704
705
706
607
805
804
802
603

DISTRICT EIGHT shall consist of the areas, within the corporate limits of the City of Memphis and those areas within “split wards” and precincts, encompassed by the Wards and Precincts using the Election Commission’s 2021 Precinct Assignments as set forth below:

SUPER DISTRICT EIGHT

104
701
702
703
704
705
706
801
802
803
804
805
806
807
808
809
810
811
812

901
902
903
904
905
906
907
908
909
910
911
1001
1002
1003
1004
1006
1007
1008
1009
1010
1102
1103
1104
1105
1107
1108
1201
1207

DISTRICT NINE shall consist of the areas, within the corporate limits of the City of Memphis and those areas within “split wards” and precincts, encompassed by the Wards and Precincts using the Election Commission’s 2021 Precinct Assignments as set forth below:

SUPER DISTRICT NINE

108
109

110
111
202
401
402
403
404
407
408
409
412
501
502
504
505
507
508
509
510
511
601
603
604
605
606
607
608
609
707
708
709
710
1005
1101
1106
1202
1203
1204
1205
1208

1301
1302
1303
1304
1305
1306
1307
1308
1309
1310
1311
1312

Wards and precincts have been allocated between the various districts using the U.S. Census Bureau's block and ward/precinct data released by the U.S. Census Department to the Governor and General Assembly of the State of Tennessee. Such data may vary from the wards and precincts split or consolidated by the Shelby County Election Commission after the compilation of census data by the U.S. Census Bureau.

Reference is made to the Memphis Municipal Code, as amended, and to the Official Ward and Precinct Map of the City of Memphis in the Office of the City Comptroller for a description of the wards and precincts hereinabove allocated to the respective districts One (1) through Nine (9), both inclusive. Annexed areas shall be assigned as future wards are described. Reference is also made to the minutes of the Board of Commissioners of Shelby County, Tennessee, for ordinances and resolutions establishing precinct lines. A map describing said Districts, as amended, is hereby adopted and is ordered to be filed with the Comptroller of the City of Memphis. Should there be discrepancies between the official U.S. census districts and the voting districts assigned by the Shelby County Election Commission and the text of this Ordinance using the Election Commission's descriptions of voting districts and precincts such discrepancies shall be resolved by the Election Commission by reference to the official map filed with the Comptroller of the City, which shall control.

Section 2. Nonconflicting-Conflicting Laws.

BE IT FURTHER ORDAINED That all laws or ordinances of the City of Memphis, not in conflict with this Ordinance, be and the same are continued in full force and effect, and all laws in conflict therewith are hereby repealed.

Section 3. Severability.

BE IT FURTHER ORDAINED, That if any clause, sentence, paragraph, section or part of this ordinance shall be held or declared to be unconstitutional or 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 4. Effective Date.

BE IT FURTHER ORDAINED, That this ordinance shall take effect immediately after its adoption, the public welfare requiring it.

SPONSORS:

CHASE CARLISLE COUNCIL MEMBER DIST. 9

FORD CANALE COUNCIL MEMBER DIST. 9

FRANK COLVETT COUNCIL MEMBER DIST. 2

**MARTAVIUS JONES
CHAIRMAN OF COUNCIL**

Attest:

VALERIE C. SNIPES
Deputy City Comptroller

ORDINANCE NO. _____

AN ORDINANCE TO REVISE AND CHANGE CERTAIN COUNCIL DISTRICTS AS A RESULT OF POPULATION CHANGES REFLECTED IN THE 2020 FEDERAL CENSUS SO THAT ALL SUCH DISTRICTS WILL REMAIN AS EQUAL AS PRACTICABLE

P R E A M B L E

WHEREAS, the Constitution of the United States requires each Council District be as equal in population as practicable in order to satisfy the “one-man, one vote” principle; and

WHEREAS, the Council adopted Ordinance No. 5833 effective August 23, 2022 to make said revisions and changes in the boundaries of all Council Districts to address the population changes in the 2020 United States Census Data results; and

WHEREAS, the Tennessee Code Annotated, Section 6-54-102 provides that municipalities may redistrict into new wards whenever, for proper reasons, they deem expedient to do so; the 2020 United States Census Data providing proper reasons; and

WHEREAS, the Council adopted a Resolution on October 18, 2022 to establish the 2022 Redistricting Committee to reapportion council districts to ensure council members represent substantially equal populations based upon the 2020 United States Census Data; and

WHEREAS, the 2022 Redistricting Committee has submitted its final recommendations for the redistricting plans for Council Districts of the City of Memphis to the Memphis City Council for consideration for the **next municipal election or the 2027 municipal election**.

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

Section 1. Redistricting Amendment. That the Council Districts 1 through 7, both inclusive, which are represented, by one council member each and multi-member Districts 8 and 9, which are composed of approximately one-half the total city's population and are each represented by three (3) council members elected by position, shall each be amended and reconstituted to include the following Wards and Precincts:

Districts 1 through 7 (City Wide Population)

District	Total Population	White Population	Black Population	Other Population	Hispanic Population	Total Population 18+	White Population 18+	Black Population 18+	Other Population 18+	Hispanic Population 18+
1	90,534	16,440	54,847	19,247	17,367	64,669	13,627	39,097	11,945	10,408
2	88,264	34,319	38,761	15,184	9,901	69,917	29,624	29,637	10,656	6,505
3	89,521	4,785	75,162	9,574	8,366	65,355	4,160	54,829	6,366	5,393
4	88,663	16,870	56,985	14,808	12,495	66,242	14,530	42,328	9,384	7,625
5	91,390	60,866	17,961	12,563	7,050	73,961	51,289	13,632	9,040	4,911
6	90,651	4,438	80,916	5,297	3,366	67,933	3,822	60,501	3,610	2,130
7	88,425	17,561	63,453	7,411	3,376	68,934	16,166	47,079	5,689	2,494
Totals	627,448	155,279	388,085	84,084	61,921	477,011	133,218	287,103	56,690	39,466

DISTRICT ONE shall consist of the areas, within the corporate limits of the City of Memphis and those areas within “split wards and precincts”, encompassed by the Wards and Precincts using the Election Commission’s 2021 Precinct Assignments as set forth below:

- District 1**
- Voting Precincts**
- 501**
- 601**
- 602**
- 603**
- 604**
- 605**
- 606**
- 607**
- 608**
- 609**
- 703**
- 707**
- 709**
- 1301**

DISTRICT TWO shall consist of the areas, within the corporate limits of the City of Memphis and those areas within “split wards and precincts”, encompassed by the Wards and Precincts using the Election Commission’s 2021 Precinct Assignments as set forth below:

District 2

Voting Precincts
108
109
110
111
202
307
308
311
403
407
408
409
411
501
502
503
504
505
507
508
509
1202
1203
1204
1303

DISTRICT THREE shall consist of the areas, within the corporate limits of the City of Memphis and those areas within “split wards and precincts, encompassed by the Wards and Precincts using the Election Commission’s 2021 Precinct Assignments as set forth below:

District 3
Voting Precincts
905
907
908
911
1009
1010
1102
1104
1105
1106
1107
1108
1201
1202
1204
1205
1207
1208

DISTRICT FOUR shall consist of the areas, within the corporate limits of the City of Memphis and those areas within “split wards and precincts, encompassed by the Wards and Precincts using the Election Commission’s 2021 Precinct Assignments as set forth below:

District 4
Voting Precincts
1001
1003
1004
1005
1007
1008
1101
1102
1103
1104
1304
1305
1308
1309

DISTRICT FIVE shall consist of the areas, within the corporate limits of the City of Memphis and those areas within “split wards and precincts, encompassed by the Wards and Precincts using the Election Commission’s 2021 Precinct Assignments as set forth below:

District 5
Voting Precincts
401
402
403
406
407
708
709
710
1301
1302
1303
1305
1306
1307
1308

DISTRICT SIX shall consist of the areas, within the corporate limits of the City of Memphis and those areas within “split wards and precincts, encompassed by the Wards and Precincts using the Election Commission’s 2021 Precinct Assignments as set forth below:

District 6
Voting Precincts
808
809
810
811
812
901
902
903
904
905
906
909
910
911
1002
1003
1006
1007
1009
1010

DISTRICT SEVEN shall consist of the areas, within the corporate limits of the City of Memphis and those areas within “split wards and precincts, encompassed by the Wards and Precincts using the Election Commission’s 2021 Precinct Assignments as set forth below:

District 7

Voting Precincts

104

105

701

702

703

704

705

706

708

801

802

803

804

805

806

807

808

809

Districts 8 & 9 (City Wide Population)

Super District	Total Population	White Population	Black Population	Other Population	Hispanic Population	Total Population 18+	White Population 18+	Black Population 18+	Other Population 18+	Hispanic Population 18+
8	315,824	39,677	241,496	34,651	26,551	236,978	34,601	179,355	23,022	16,560
9	311,624	115,602	146,589	49,433	35,370	240,033	98,617	107,748	33,668	22,906
Totals	627,448	155,279	388,085	84,084	61,921	477,011	133,218	287,103	56,690	39,466

DISTRICT EIGHT shall consist of the areas, within the corporate limits of the City of Memphis and those areas within “split wards” and precincts, encompassed by the Wards and Precincts using the Election Commission’s 2021 Precinct Assignments as set forth below:

Super District 8
Voting Precincts
104
601
603
604
605
606
607
701
702
703
704
705
706
707
801
802
803
804
805
806
807
808
809
810
811
812

901
902
903
904
905
906
907
908
909
910
911
1001
1002
1003
1004
1006
1007
1008
1009
1010
1107
1301
1302

DRAFT

DISTRICT NINE shall consist of the areas, within the corporate limits of the City of Memphis and those areas within “split wards” and precincts, encompassed by the Wards and Precincts using the Election Commission’s 2021 Precinct Assignments as set forth below:

Super District 9	
Voting Precincts	
	108
	109
	110
	111
	202
	401
	402
	403
	404
	407
	408
	409
	412
	501
	502
	504
	505
	507
	508
	509
	510
	511
	608
	609
	708
	709
	710
	1005
	1101
	1102
	1103
	1104

1105
1106
1108
1201
1202
1203
1204
1205
1207
1208
1301
1303
1304
1305
1306
1307
1308
1309
1310
1311
1312

DRAFT

Wards and Precincts have been allocated between the various districts using the U.S. Census Bureau's block and ward/precinct data released by the U.S. Census Department to the Governor and General Assembly of the State of Tennessee. Such data may vary from the wards and precincts split or consolidated by the Shelby County Election Commission after the compilation of census data by the U.S. Census Bureau.

Reference is made to the Memphis Municipal Code, as amended, and to the Official Ward and Precinct Map of the City of Memphis in the Office of the City Comptroller for a description of the wards and precincts hereinabove allocated to the respective districts One (1) through Nine (9), both inclusive. Annexed areas shall be assigned as future wards are described. Reference is also made to the minutes of the Board of Commissioners of Shelby County, Tennessee, for ordinances and resolutions establishing precinct lines. A map describing said Districts, as amended, is hereby adopted, and is ordered to be filed with the Comptroller of the City of Memphis. Should there be discrepancies between the official U.S. census districts and the voting districts assigned by the Shelby County Election Commission and the text of this Ordinance using the Election Commission's descriptions of voting districts and precincts such discrepancies shall be resolved by the Election Commission by reference to the official map filed with the Comptroller of the City, which shall control.

Section 2. Nonconflicting-Conflicting Laws.

BE IT FURTHER ORDAINED, that all laws or ordinances of the City of Memphis, not in conflict with this Ordinance, be and the same are continued in full force and effect, and all laws in conflict therewith are hereby repealed.

Section 3. Severability.

BE IT FURTHER ORDAINED, that if any clause, sentence, paragraph, section, or part of this ordinance shall be held or declared to be unconstitutional or 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 4. Effective Date.

BE IT FURTHER ORDAINED, that this ordinance shall take effect immediately after its adoption, the public welfare requiring it.

SPONSORS(S):

COUNCILWOMAN EASTER-THOMAS, DISTRICT 7

COUNCILMAN MARTAVIUS JONES, SUPER DISTRICT 8-3

**MARTAVIUS D. JONES
CHAIRMAN OF COUNCIL**

Attest:

VALERIE C. SNIPES
Deputy City Comptroller

District	Total Population	White Population	Black Population	Other Population	Hispanic Population	Total Population 18+	White Population 18+	Black Population 18+	Other Population 18+	Hispanic Population 18+
1	90,534	16,440	54,847	19,247	17,367	64,669	13,627	39,097	11,945	10,408
2	88,264	34,319	38,761	15,184	9,901	69,917	29,624	29,637	10,656	6,505
3	89,521	4,785	75,162	9,574	8,366	65,355	4,160	54,829	6,366	5,393
4	88,663	16,870	56,985	14,808	12,495	66,242	14,530	42,328	9,384	7,625
5	91,390	60,866	17,961	12,563	7,050	73,961	51,289	13,632	9,040	4,911
6	90,651	4,438	80,916	5,297	3,366	67,933	3,822	60,501	3,610	2,130
7	88,425	17,561	63,453	7,411	3,376	68,934	16,166	47,079	5,689	2,494
Totals	627,448	155,279	388,085	84,084	61,921	477,011	133,218	287,103	56,690	39,466

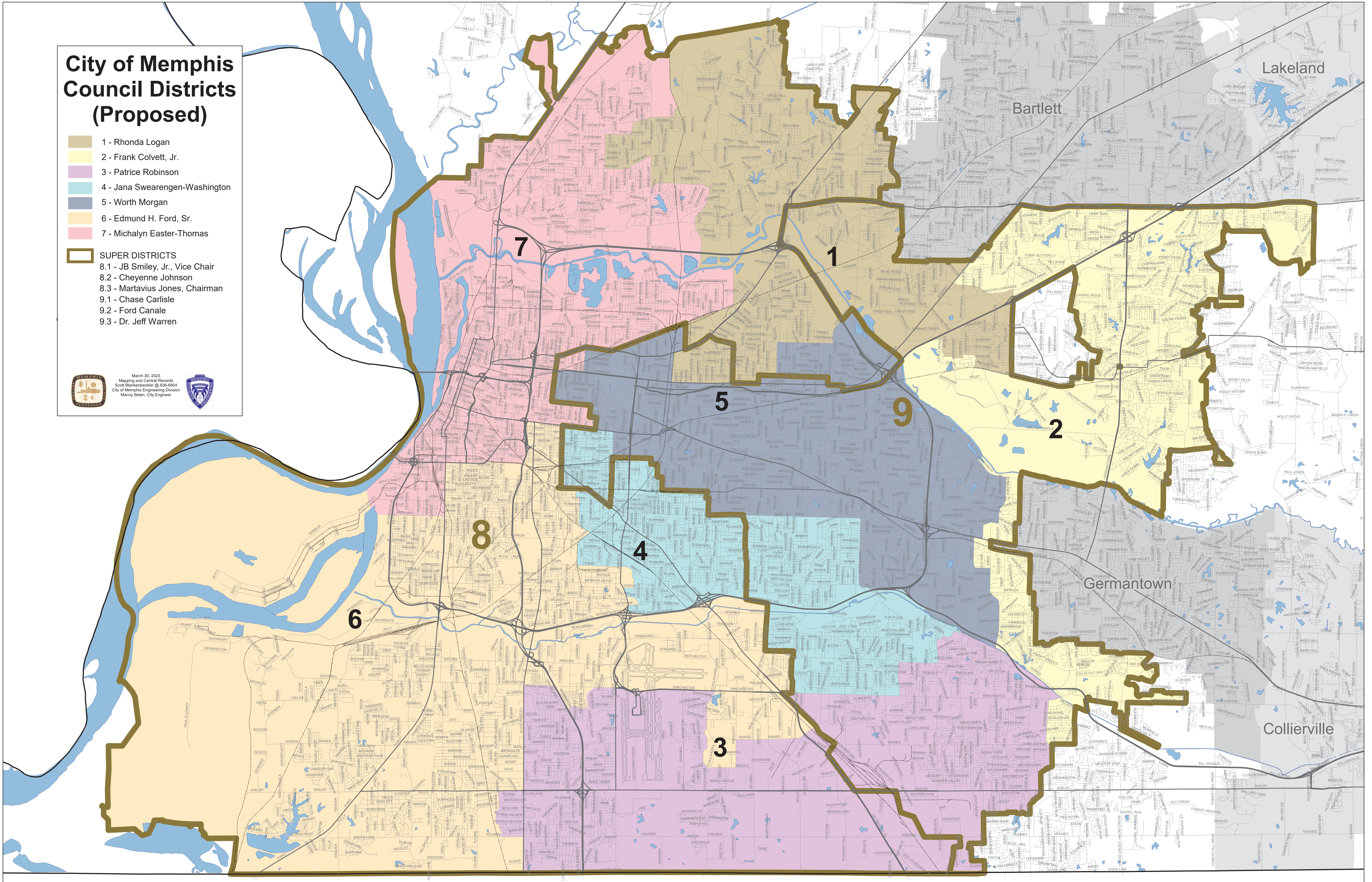
Super District	Total Population	White Population	Black Population	Other Population	Hispanic Population	Total Population 18+	White Population 18+	Black Population 18+	Other Population 18+	Hispanic Population 18+
8	315,824	39,677	241,496	34,651	26,551	236,978	34,601	179,355	23,022	16,560
9	311,624	115,602	146,589	49,433	35,370	240,033	98,617	107,748	33,668	22,906
Totals	627,448	155,279	388,085	84,084	61,921	477,011	133,218	287,103	56,690	39,466

City of Memphis Council Districts (Proposed)

- 1 - Rhonda Logan
- 2 - Frank Colvett, Jr.
- 3 - Patrice Robinson
- 4 - Jana Swearingen-Washington
- 5 - Worth Morgan
- 6 - Edmund H. Ford, Sr.
- 7 - Michalyn Easter-Thomas
- SUPER DISTRICTS
- 8.1 - JB Smiley, Jr., Vice Chair
- 8.2 - Cheyenne Johnson
- 8.3 - Martavius Jones, Chairman
- 9.1 - Chase Carlisle
- 9.2 - Ford Canale
- 9.3 - Dr. Jeff Warren



March 30, 2023
 Mapping and Central Records
 Scott Blankenbecker @ 636-6954
 City of Memphis Engineering Division
 Manny Belen, City Engineer



2021 to 2023 City of Memphis Council Districts Additions

- District 1 Unchanged
- District 2 Unchanged
- District 3 Unchanged
- District 4 Unchanged
- District 5 Unchanged
- District 6 Unchanged
- District 7 Unchanged
- Areas added to District 1
- Areas added to District 2
- Areas added to District 3
- Areas added to District 4
- Areas added to District 5
- Areas added to District 6
- Areas added to District 7

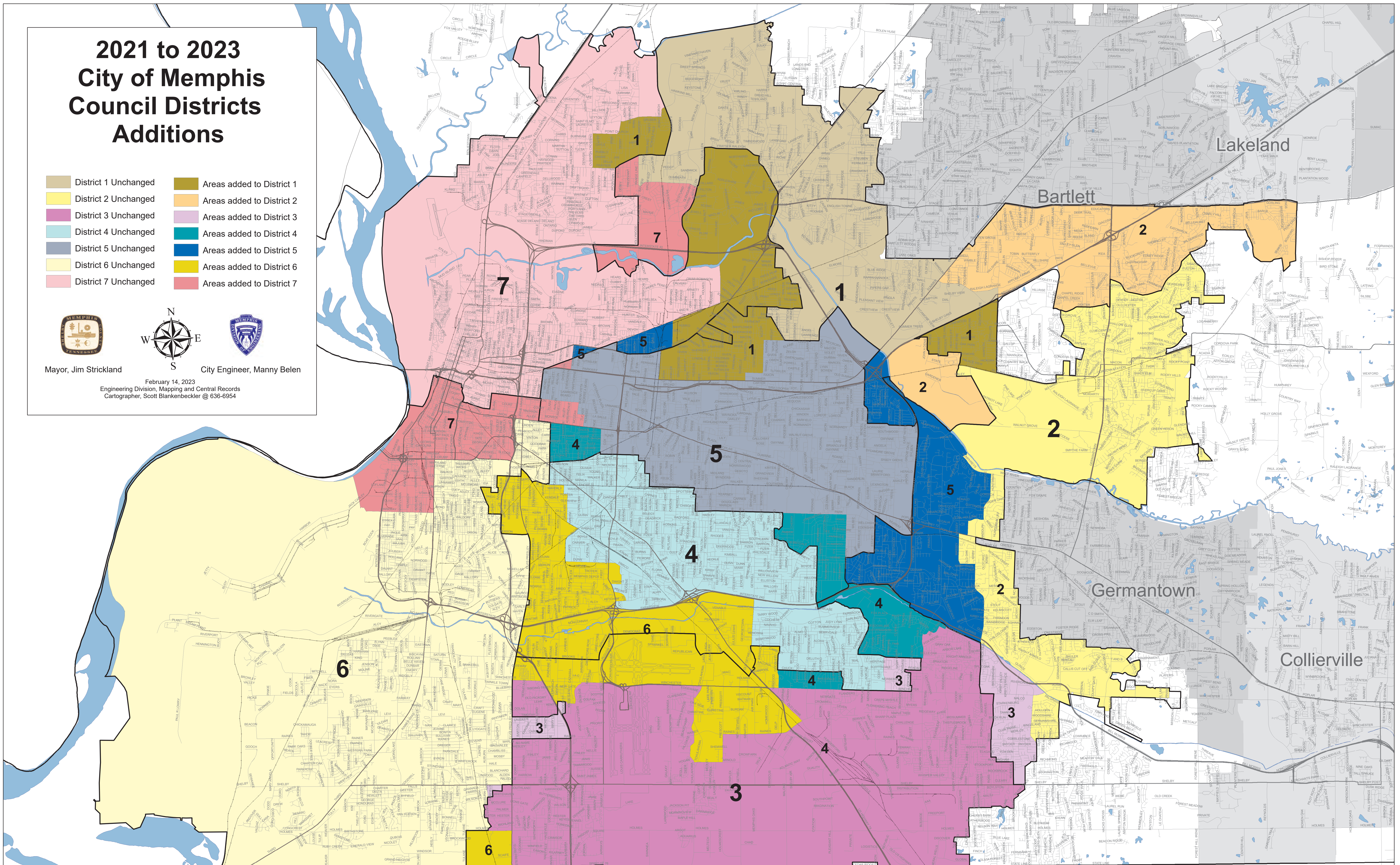


Mayor, Jim Strickland

City Engineer, Manny Belen

February 14, 2023

Engineering Division, Mapping and Central Records
Cartographer, Scott Blankenbecker @ 636-6954



District	Total Population	White Population	Black Population	Other Population	Hispanic Population
1	90,534	16,440	54,847	19,247	17,367
2	88,264	34,319	38,761	15,184	9,901
3	89,521	4,785	75,162	9,574	8,366
4	88,663	16,870	56,985	14,808	12,495
5	91,390	60,866	17,961	12,563	7,050
6	90,651	4,438	80,916	5,297	3,366
7	88,425	17,561	63,453	7,411	3,376

Memphis City Council Districts

(Single Member Districts)



April 24, 2023

Mapping and Central Records
 Scott Blankenbeckler @ 636-6954
 City of Memphis Engineering Division
 Manny Belen, City Engineer



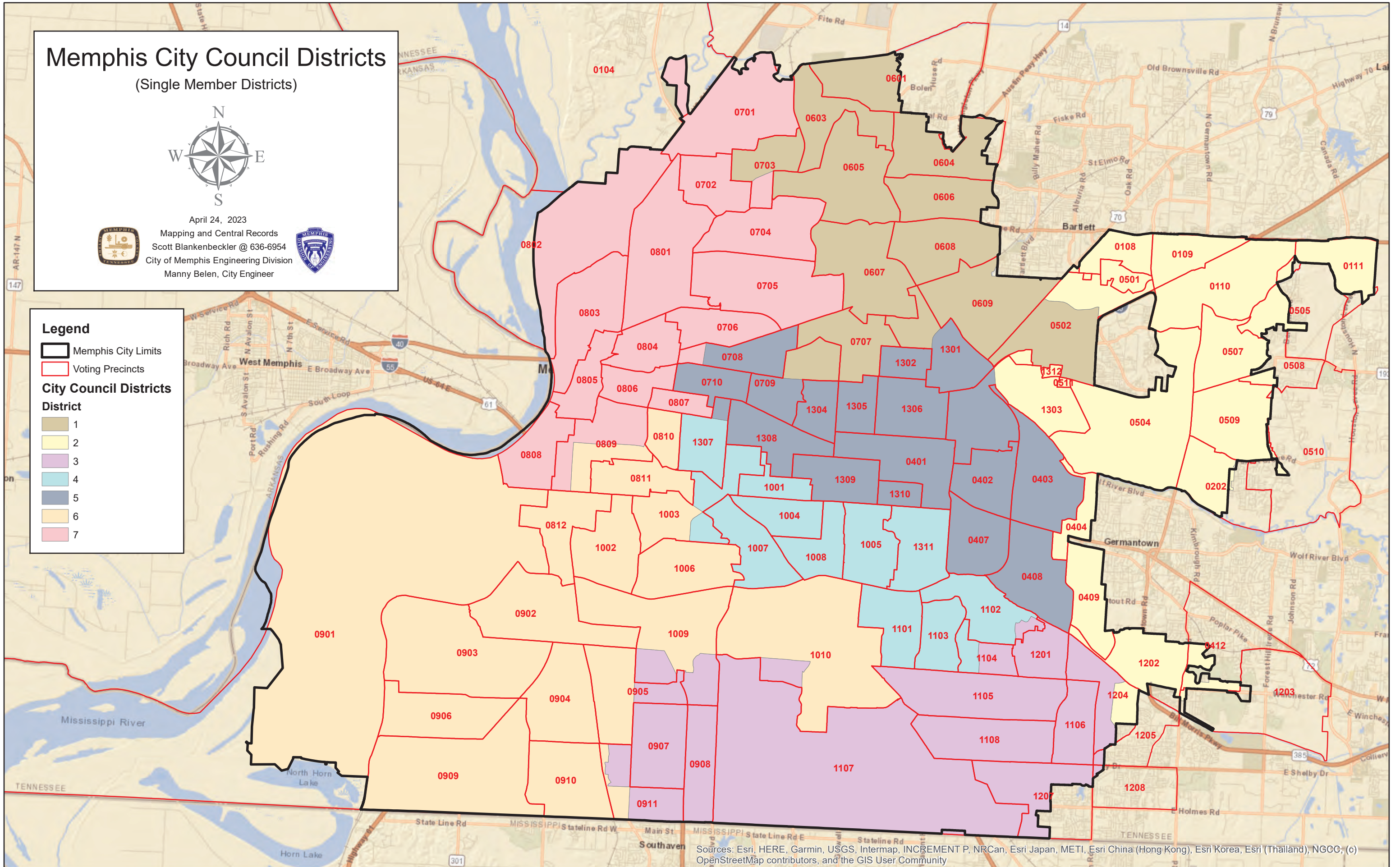
Legend

- Memphis City Limits
- Voting Precincts

City Council Districts

District

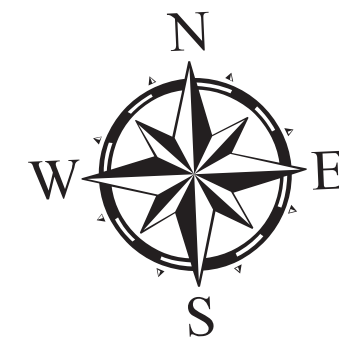
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Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC; (c) OpenStreetMap contributors, and the GIS User Community

2021 to 2023 City of Memphis Super Council Districts Changes

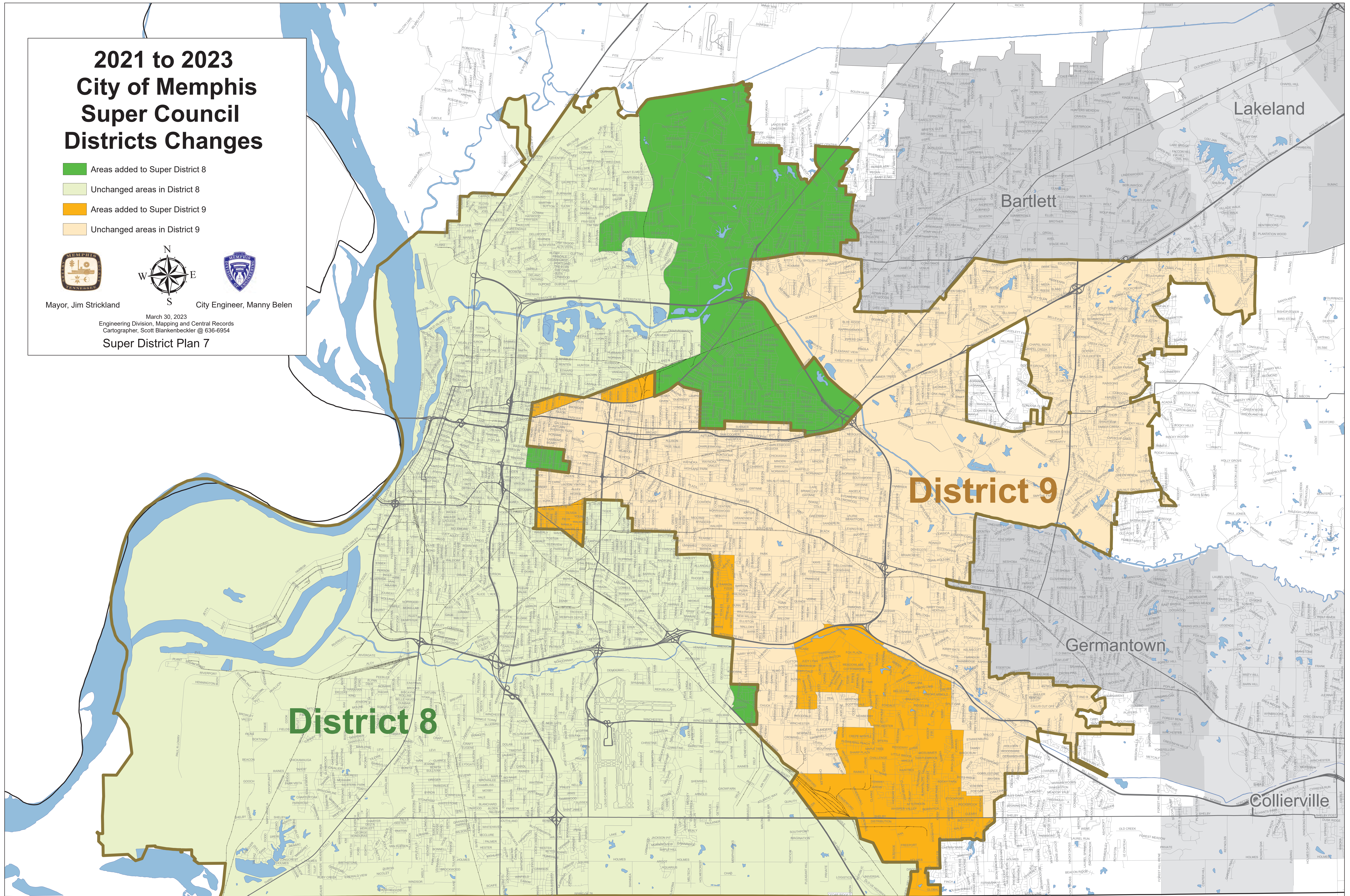
- Areas added to Super District 8
- Unchanged areas in District 8
- Areas added to Super District 9
- Unchanged areas in District 9



Mayor, Jim Strickland

City Engineer, Manny Belen

March 30, 2023
Engineering Division, Mapping and Central Records
Cartographer, Scott Blankenbecker @ 636-6954
Super District Plan 7



8	315,824	39,677	241,496	34,651	26,551
9	311,644	115,610	146,598	49,436	35,370

Memphis City Council Districts (Super Districts)



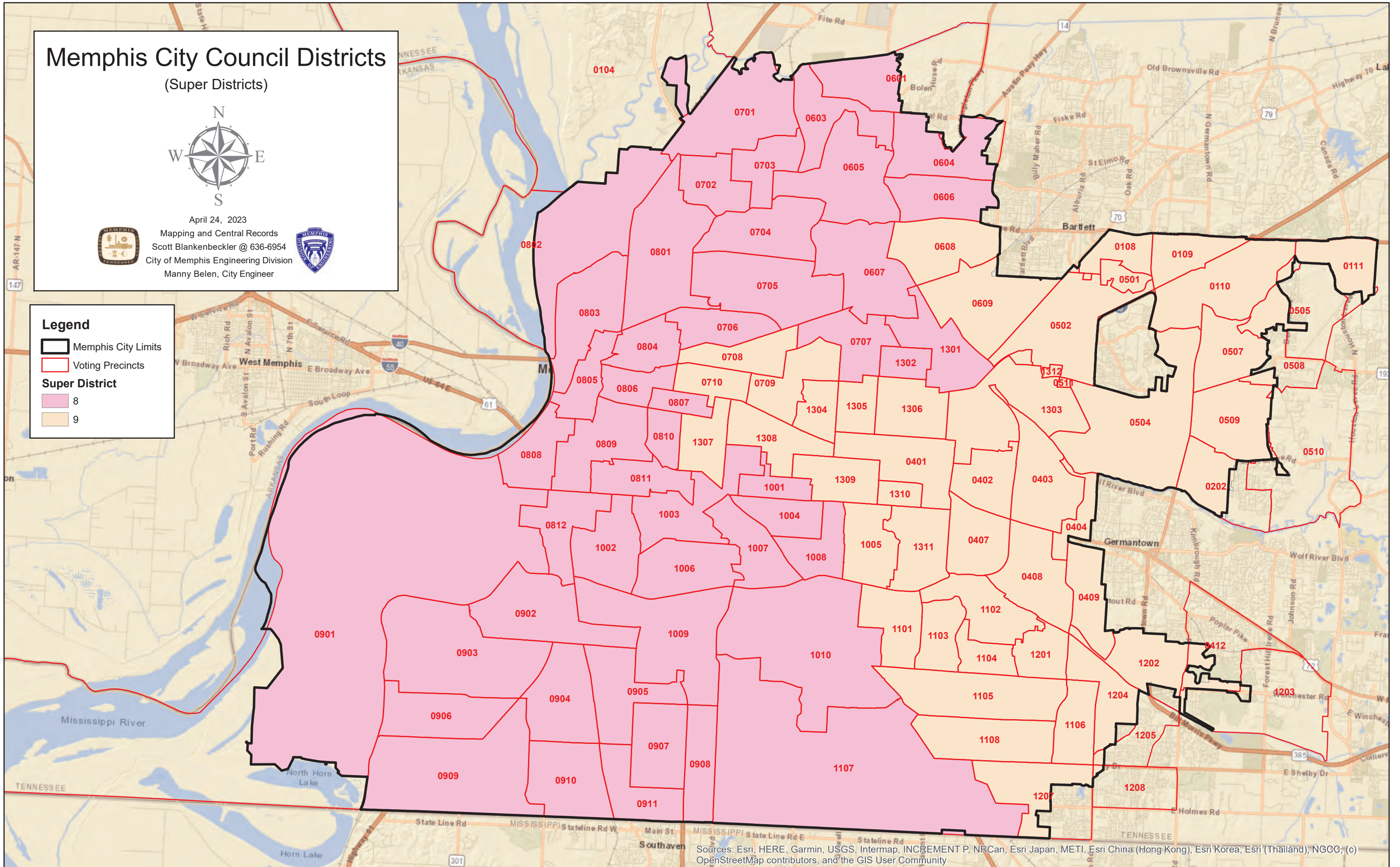
April 24, 2023

Mapping and Central Records
Scott Blankenbeckler @ 636-6954
City of Memphis Engineering Division
Manny Belen, City Engineer



Legend

- Memphis City Limits
- Voting Precincts
- Super District**
 - 8
 - 9



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC; (c) OpenStreetMap contributors, and the GIS User Community

District	Total Population	White Population	Black Population	Other Population	Hispanic Population	Total Population 18+	White Population 18+	Black Population 18+	Other Population 18+	Hispanic Population 18+
1	87,516	21,921	51,511	14,084	10,738	64,672	18,501	37,008	9,163	6,634
2	82,694	40,742	30,919	11,033	5,428	66,992	34,895	24,106	7,991	3,826
3	90,460	4,785	75,205	10,470	9,289	64,907	4,117	53,922	6,868	5,936
4	93,262	12,394	66,934	13,934	11,670	69,592	10,744	49,960	8,888	7,135
5	94,300	52,020	22,820	19,460	15,268	74,087	43,890	17,050	13,147	9,759
6	89,902	8,725	76,357	4,820	2,139	70,073	7,921	58,568	3,584	1,395
7	89,314	14,692	64,339	10,283	7,389	66,688	13,150	46,489	7,049	4,781
Totals	627,448	155,279	388,085	84,084	61,921	477,011	133,218	287,103	56,690	39,466

Super District	Total Population	White Population	Black Population	Other Population	Hispanic Population	Total Population 18+	White Population 18+	Black Population 18+	Other Population 18+	Hispanic Population 18+
8	310,114	28,739	254,534	26,841	18,707	232,802	25,815	188,431	18,556	12,167
9	317,334	126,540	133,551	57,243	43,214	244,209	107,403	98,672	38,134	27,299
Totals	627,448	155,279	388,085	84,084	61,921	477,011	133,218	287,103	56,690	39,466

2022 Council Districts

District	Total Population	White Population	Black Population	Other Population	Hispanic Population	Total Population 18+	White Population 18+	Black Population 18+	Other Population 18+	Hispanic Population 18+
1	90,534	16,440	54,847	19,247	17,367	64,669	13,627	39,097	11,945	10,408
2	88,264	34,319	38,761	15,184	9,901	69,917	29,624	29,637	10,656	6,505
3	89,521	4,785	75,162	9,574	8,366	65,355	4,160	54,829	6,366	5,393
4	88,663	16,870	56,985	14,808	12,495	66,242	14,530	42,328	9,384	7,625
5	91,390	60,866	17,961	12,563	7,050	73,961	51,289	13,632	9,040	4,911
6	90,651	4,438	80,916	5,297	3,366	67,933	3,822	60,501	3,610	2,130
7	88,425	17,561	63,453	7,411	3,376	68,934	16,166	47,079	5,689	2,494
Totals	627,448	155,279	388,085	84,084	61,921	477,011	133,218	287,103	56,690	39,466

Super District	Total Population	White Population	Black Population	Other Population	Hispanic Population	Total Population 18+	White Population 18+	Black Population 18+	Other Population 18+	Hispanic Population 18+
8	315,824	39,677	241,496	34,651	26,551	236,978	34,601	179,355	23,022	16,560
9	311,624	115,602	146,589	49,433	35,370	240,033	98,617	107,748	33,668	22,906
Totals	627,448	155,279	388,085	84,084	61,921	477,011	133,218	287,103	56,690	39,466

Proposed Districts

District	Total Population			White Population		Black Population		Other Population		Hispanic Population	
	Proposed	Current	% Change	Proposed	Current	Proposed	Current	Proposed	Current	Proposed	Current
1	90,534	87,516	3.3%	16,440	21,921	54,847	51,511	19,247	14,084	17,367	10,738
2	88,264	82,694	6.3%	34,319	40,742	38,761	30,919	15,184	11,033	9,901	5,428
3	89,521	90,460	-1.0%	4,785	4,785	75,162	75,205	9,574	10,470	8,366	9,289
4	88,663	93,262	-5.2%	16,870	12,394	56,985	66,934	14,808	13,934	12,495	11,670
5	91,390	94,300	-3.2%	60,866	52,020	17,961	22,820	12,563	19,460	7,050	15,268
6	90,651	89,902	0.8%	4,438	8,725	80,916	76,357	5,297	4,820	3,366	2,139
7	88,425	89,314	-1.0%	17,561	14,692	63,453	64,339	7,411	10,283	3,376	7,389

Totals	627,448	627,448		155,279	155,279	388,085	388,085	84,084	84,084	61,921	61,921
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Super	Total Population			White Population		Black Population		Other Population		Hispanic Population	
	Proposed	Current	% Change	Proposed	Current	Proposed	Current	Proposed	Current	Proposed	Current
8	315,824	310,114	1.8%	39,677	28,739	241,496	254,534	34,651	26,841	26,551	18,707
9	311,624	317,334	-1.8%	115,602	126,540	146,589	133,551	49,433	57,243	35,370	43,214

Totals	627,448	627,448		155,279	155,279	388,085	388,085	84,084	84,084	61,921	61,921
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**CITY OF MEMPHIS
COUNCIL AGENDA CHECK OFF SHEET**

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 6/27/2023
DATE
PUBLIC SESSION: 6/27/2023
DATE

ITEM (CHECK ONE)

X ORDINANCE _____ RESOLUTION X REQUEST FOR PUBLIC HEARING

ITEM CAPTION: Zoning ordinance amending Ordinance No. 5367 of Code of Ordinance, City of Memphis, Tennessee, adopted on August 10, 2010, as amended, known as the Memphis and Shelby County Unified Development code, to authorize a zoning use district reclassification for land located at the northwest corner of Airways Boulevard and East Person Avenue. By taking the land out of the Commercial Mixed Use – 1 (CMU-1) Use District and including it in the Employment (EMP) Use District, known as case number Z 23-006

CASE NUMBER: Z 23-006

LOCATION: Northwest corner of Airways Boulevard and East Person Avenue (1645 Airways Blvd.)

COUNCIL DISTRICTS: District 4 and Super District 8 – Positions 1, 2, and 3

OWNER/APPLICANT: R & D Ventures, LLC and Sixteen Ninety Nine Airways/Haroon Haimed

REPRESENTATIVES: Cindy Reaves for SR Consulting, LLC

REQUEST: Rezoning of +/-0.873 acres from Commercial Mixed Use – 1 (CMU-1) to Employment (EMP)

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 – May 16, 2023
Second reading – June 13, 2023
Third reading – June 27, 2023

PRIOR ACTION ON ITEM:

(1) _____	APPROVAL - (1) APPROVED (2) DENIED
04/13/2023 _____	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>Kendora Colby</u>	<u>5/8/23</u>	PLANNER III
_____	_____	DEPUTY ADMINISTRATOR
<u>Burt</u>	<u>5/8/23</u>	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	CHIEF ADMINISTRATIVE OFFICER
_____	_____	COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

Z 23-006

ZONING ORDINANCE AMENDING ORDINANCE NO. 5367 OF CODE OF ORDINANCE, CITY OF MEMPHIS, TENNESSEE, ADOPTED ON AUGUST 10, 2010, AS AMENDED, KNOWN AS THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, TO AUTHORIZE A ZONING USE DISTRICT RECLASSIFICATION FOR LAND LOCATED AT THE NORTHWEST CORNER OF AIRWAYS BOULEVARD AND EAST PERSON AVENUE. BY TAKING THE LAND OUT OF THE COMMERCIAL MIXED USE-1 (CMU-1) USE DISTRICT AND INCLUDING IT IN THE EMPLOYMENT (EMP) USE DISTRICT, KNOWN AS CASE NUMBER Z 23-006

- Approval of this zoning district reclassification will be reflected on the Memphis and Shelby County Zoning Atlas; and
- No contracts are affected by this item; and
- No expenditure of funds/budget amendments are required by this item.

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday, April 13, 2023**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: Z 23-006

LOCATION: Northwest corner of Airways Boulevard and East Person Avenue

COUNCIL DISTRICT(S): District 4, Super District 8 – Positions 1, 2, and 3

OWNER/APPLICANT: R & D Ventures, LLC and Sixteen Ninety Nine Airways/Haroon Haimed

REPRESENTATIVE: Cindy Reaves for SR Consulting, LLC

REQUEST: Rezoning of +/-0.873 acres from Commercial Mixed Use – 1 (CMU-1) to Employment (EMP)

The following spoke in support of the application: None

The following spoke in opposition of the application: 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.

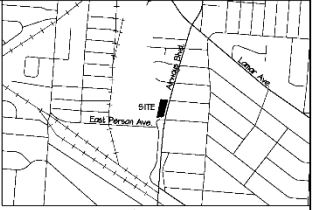
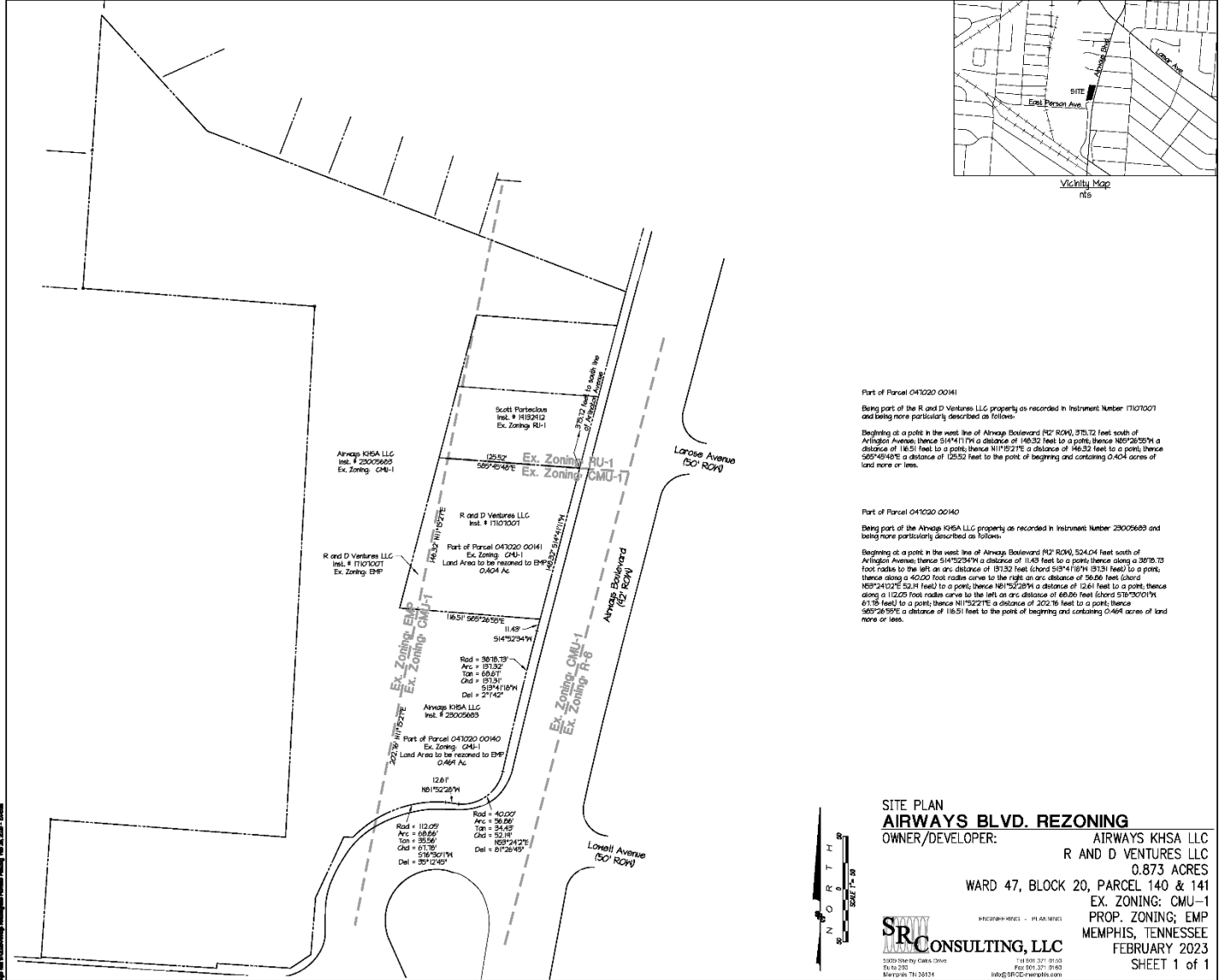
The motion passed by a unanimous vote of 7-0 on the consent agenda.

Respectfully,
Kendra Cobbs

Kendra Cobbs, AICP
Planner III
Land Use and Development Services
Division of Planning and Development

Cc: Committee Members
File

PLOT PLAN



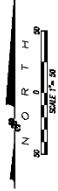
Vicinity Map
n19

Part of Parcel 041020 00141
Being part of the R and D Ventures LLC property as recorded in Instrument Number 17107007 and being more particularly described as follows:
Beginning at a point in the west line of Airways Boulevard (R2) R2W, 375.72 feet south of Arlington Avenue, thence S14°41'11\"

Part of Parcel 041020 00140
Being part of the Airways KHSA LLC property as recorded in Instrument Number 23005683 and being more particularly described as follows:
Beginning at a point in the west line of Airways Boulevard (R2) R2W, 524.04 feet south of Arlington Avenue, thence S14°52'34\"

**SITE PLAN
AIRWAYS BLVD. REZONING**

OWNER/DEVELOPER: AIRWAYS KHSA LLC
R AND D VENTURES LLC
0.873 ACRES
WARD 47, BLOCK 20, PARCEL 140 & 141
EX. ZONING: CMU-1
PROP. ZONING: EMP
MEMPHIS, TENNESSEE
FEBRUARY 2023
SHEET 1 of 1



ORDINANCE NO: _____

ZONING ORDINANCE AMENDING ORDINANCE NO. 5367 OF CODE OF ORDINANCE, CITY OF MEMPHIS, TENNESSEE, ADOPTED ON AUGUST 10, 2010, AS AMENDED, KNOWN AS THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, TO AUTHORIZE A ZONING USE DISTRICT RECLASSIFICATION FOR LAND LOCATED AT THE NORTHWEST CORNER OF AIRWAYS BOULEVARD AND EAST PERSON AVENUE. BY TAKING THE LAND OUT OF THE COMMERCIAL MIXED USE-1 (CMU-1) USE DISTRICT AND INCLUDING IT IN THE EMPLOYMENT (EMP) USE DISTRICT, KNOWN AS CASE NUMBER Z 23-006

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: Z 23-006**; and

WHEREAS, the Memphis and Shelby County Land Use Control Board has filed its recommendation and the Division of Planning and Development has filed its report and recommendation with the Council of the City of Memphis; and

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:

SECTION 1:

THAT, the Memphis and Shelby County Unified Development Code, Ordinance No. 5367 of the Code of Ordinances, City of Memphis, as amended, be and the same hereby is amended with respect to Use Districts, as follows:

BY TAKING THE FOLLOWING PROPERTY OUT OF THE COMMERCIAL MIXED USE-1 (CMU-1) USE DISTRICT AND INCLUDING IT IN THE EMPLOYMENT (EMP) USE DISTRICT.

The following property located in the City of Memphis, Tennessee being more particularly described as follows:

PARCEL 1

PART OF PARCEL 047020 00141

BEING PART OF THE R AND D VENTURES LLC PROPERTY AS RECORDED IN INSTRUMENT

NUMBER 17107007 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE WEST LINE OF AIRWAYS BOULEVARD (92' ROW), 375.72 FEET SOUTH OF ARLINGTON AVENUE; THENCE S14°41'11"W A DISTANCE OF 148.32 FEET TO A POINT; THENCE N85°26'55"W A DISTANCE OF 116.51 FEET TO A POINT; THENCE N11°15'27"E A DISTANCE OF 146.32 FEET TO A POINT; THENCE S85°45'48"E A DISTANCE OF 125.52 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.404 ACRES OF LAND MORE OR LESS.

PARCEL 2

PART OF PARCEL 047020 00140

BEING PART OF THE AIRWAYS KHSa LLC PROPERTY AS RECORDED IN INSTRUMENT NUMBER 23005683 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE WEST LINE OF AIRWAYS BOULEVARD (92' ROW), 524.04 FEET SOUTH OF ARLINGTON AVENUE; THENCE S14°52'34"W A DISTANCE OF 11.43 FEET TO A POINT; THENCE ALONG A 3878.73 FOOT RADIUS TO THE LEFT AN ARC DISTANCE OF 137.32 FEET (CHORD S13°41'18"W 137.31 FEET) TO A POINT; THENCE ALONG A 40.00 FOOT RADIUS CURVE TO THE RIGHT AN ARC DISTANCE OF 56.86 FEET (CHORD N53°24'02"E 52.19 FEET) TO A POINT; THENCE N81°52'28"W A DISTANCE OF 12.61 FEET TO A POINT; THENCE ALONG A 112.05 FOOT RADIUS CURVE TO THE LEFT AN ARC DISTANCE OF 68.86 FEET (CHORD S76°30'01"W 67.78 FEET) TO A POINT; THENCE N11°52'27"E A DISTANCE OF 202.76 FEET TO A POINT; THENCE S85°26'55"E A DISTANCE OF 116.51 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.469 ACRES OF LAND MORE OR LESS.

SECTION 2:

THAT, the Zoning Administrator of the Division of Planning and Development be, and is hereby directed to make the necessary changes in the Official Use District Maps to conform to the changes herein made; that all official maps and records of the Memphis and Shelby County Land Use Control Board and the City of Memphis be, and they hereby are, amended and changed so as to show the aforementioned amendment of the said Zoning Ordinance.

SECTION 3:

THAT, this ordinance 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 the Mayor in writing by the comptroller, and become effective as otherwise provided by law.

ATTEST:

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

**//: ATTACHMENT
Plot Plan**

AGENDA ITEM: 29

CASE NUMBER: Z 2023-006 **L.U.C.B. MEETING:** April 13, 2023

LOCATION: Northwest corner of Airways Boulevard and East Person Avenue

COUNCIL DISTRICT: District 4 and Super District 8

OWNER/APPLICANT: R & D Ventures, LLC and Sixteen Ninety Nine Airways/Haroon Haimed

REPRESENTATIVE: Cindy Reaves for SR Consulting, LLC

REQUEST: Rezoning of +/-0.873 acres from Commercial Mixed Use-1 (CMU-1) to Employment (EMP)

CONCLUSIONS

1. The request is to rezone +/- 0.873 acres from Commercial Mixed Use – 1 (CMU-1) to Employment (EMP).
2. The request consists of two parcels: a portion of Parcel ID 047020 00140 and the entirety of Parcel ID 047020 00141.
3. EMP zoning would allow for consistent zoning on the larger parcel (047020 00140), which is already largely zoned EMP.
4. Of the 3.899 acres of the larger parcel (047020 00140), only 0.469 acres are zoned CMU-1.
5. The entirety of Parcel 047020 00141, 0.404 acres, is zoned CMU-1.
6. EMP and Heavy Industrial (IH) zoning exists to the immediate south and west of the subject properties.

CONSISTENCY WITH MEMPHIS 3.0

This proposal is consistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on pages 13-15 of this report.

RECOMMENDATION

Approval

GENERAL INFORMATION

Street Frontage:	Airways Boulevard East Person Avenue	+/-148.74 linear feet +/-138.33 curvilinear feet
Zoning Atlas Page:	2135	
Parcel ID:	047020 00140 and 047020 00141	
Area:	+/-0.873 acres	
Existing Zoning:	Commercial Mixed Use – 1 (CMU-1)	
Requested Zoning:	Employment (EMP)	

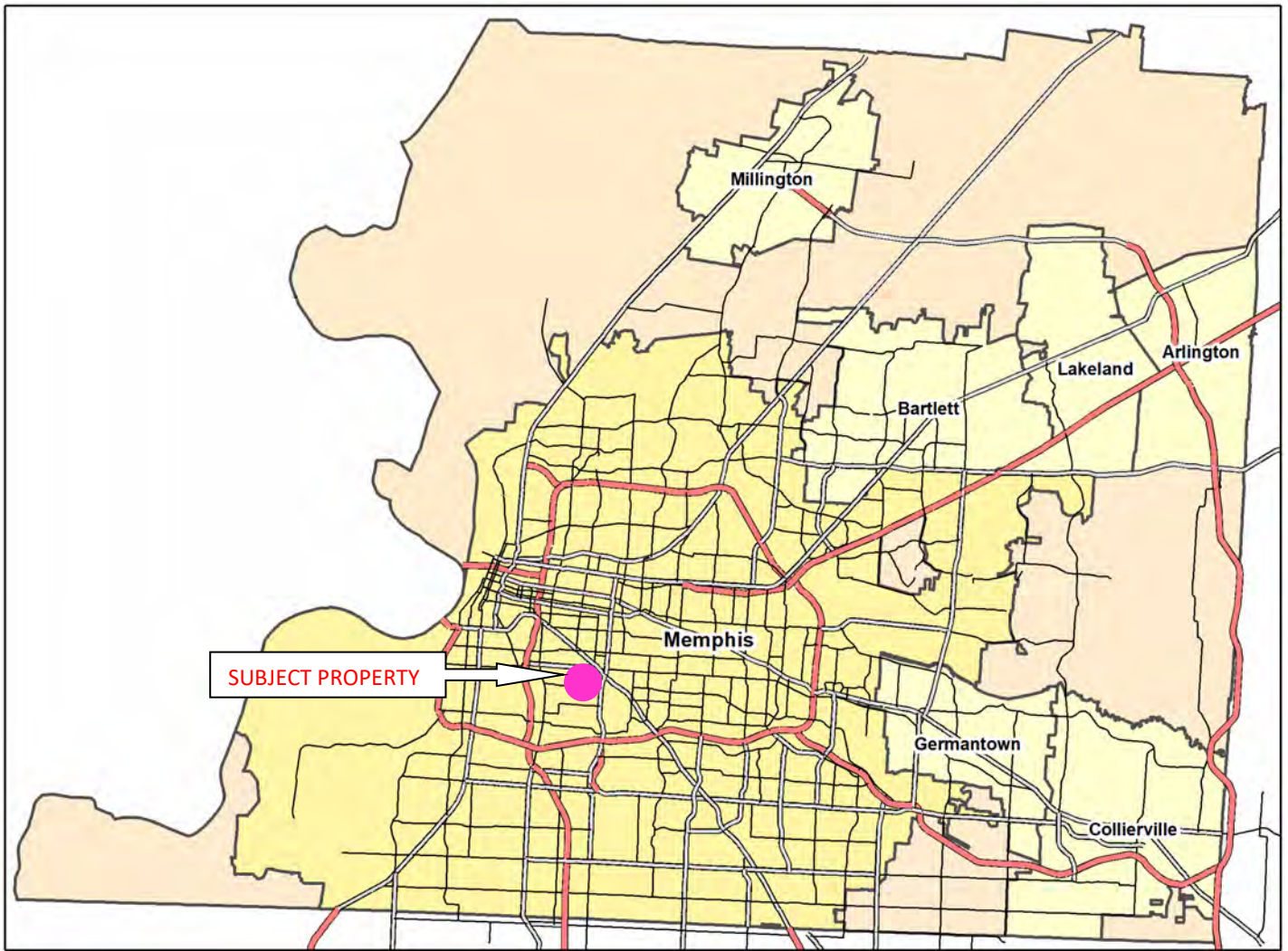
NEIGHBORHOOD MEETING

Not required, zoning change is in compliance with the Memphis 3.0 Comprehensive Plan.

PUBLIC NOTICE

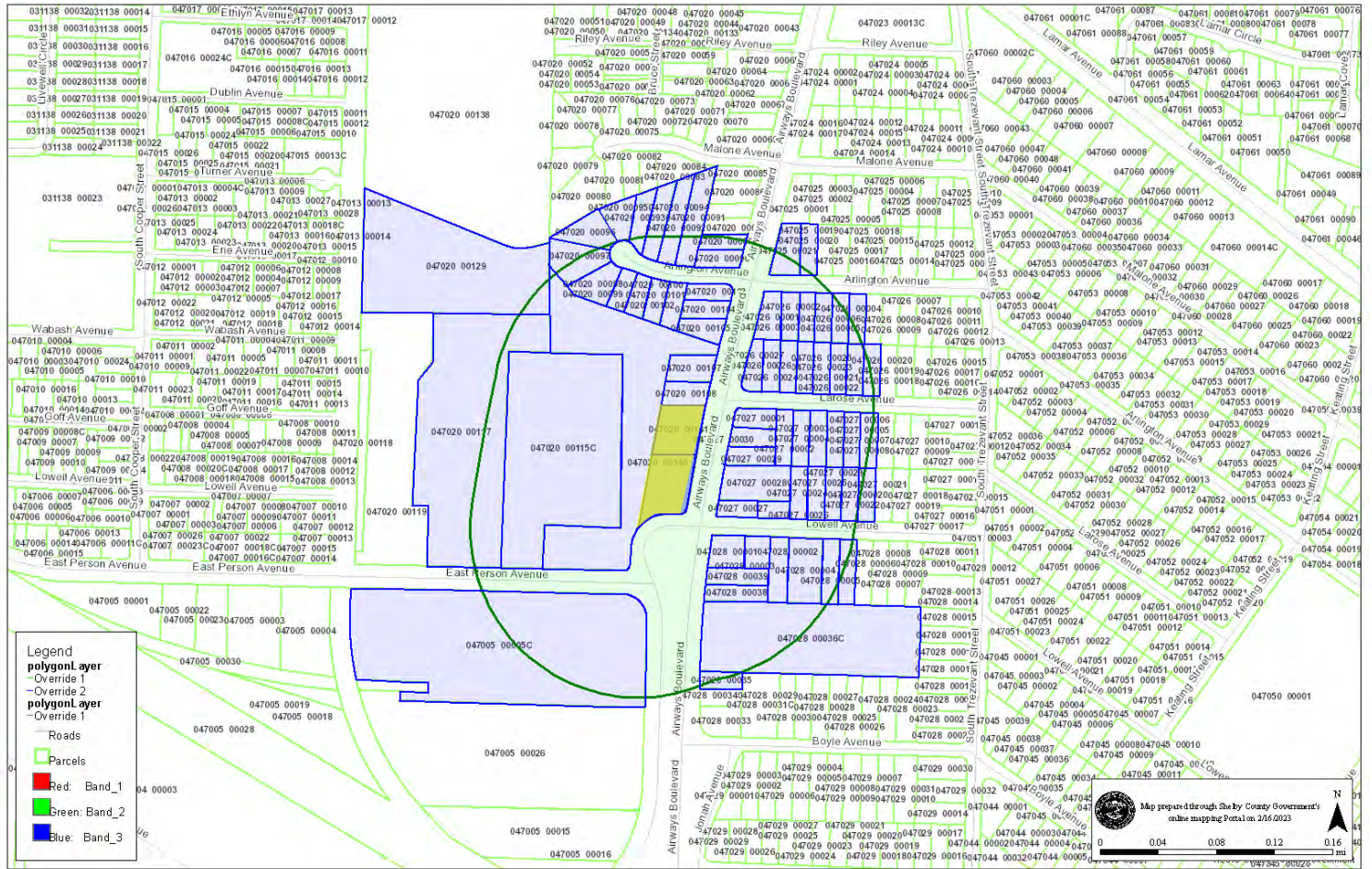
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 70 notices were mailed on March 28, 2023, and a total of 1 sign posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



Subject property located within the pink circle, Castalia Heights neighborhood

VICINITY MAP



Subject property highlighted in yellow

AERIAL



Subject property outlined in yellow

ZONING MAP



Subject property highlighted in yellow

Existing Zoning: Commercial Mixed Use – 1 (CMU-1)

Surrounding Zoning

North: Residential Urban – 1 (RU-1)

East: Residential Single-Family – 6 (R-6)

South: Employment (EMP)

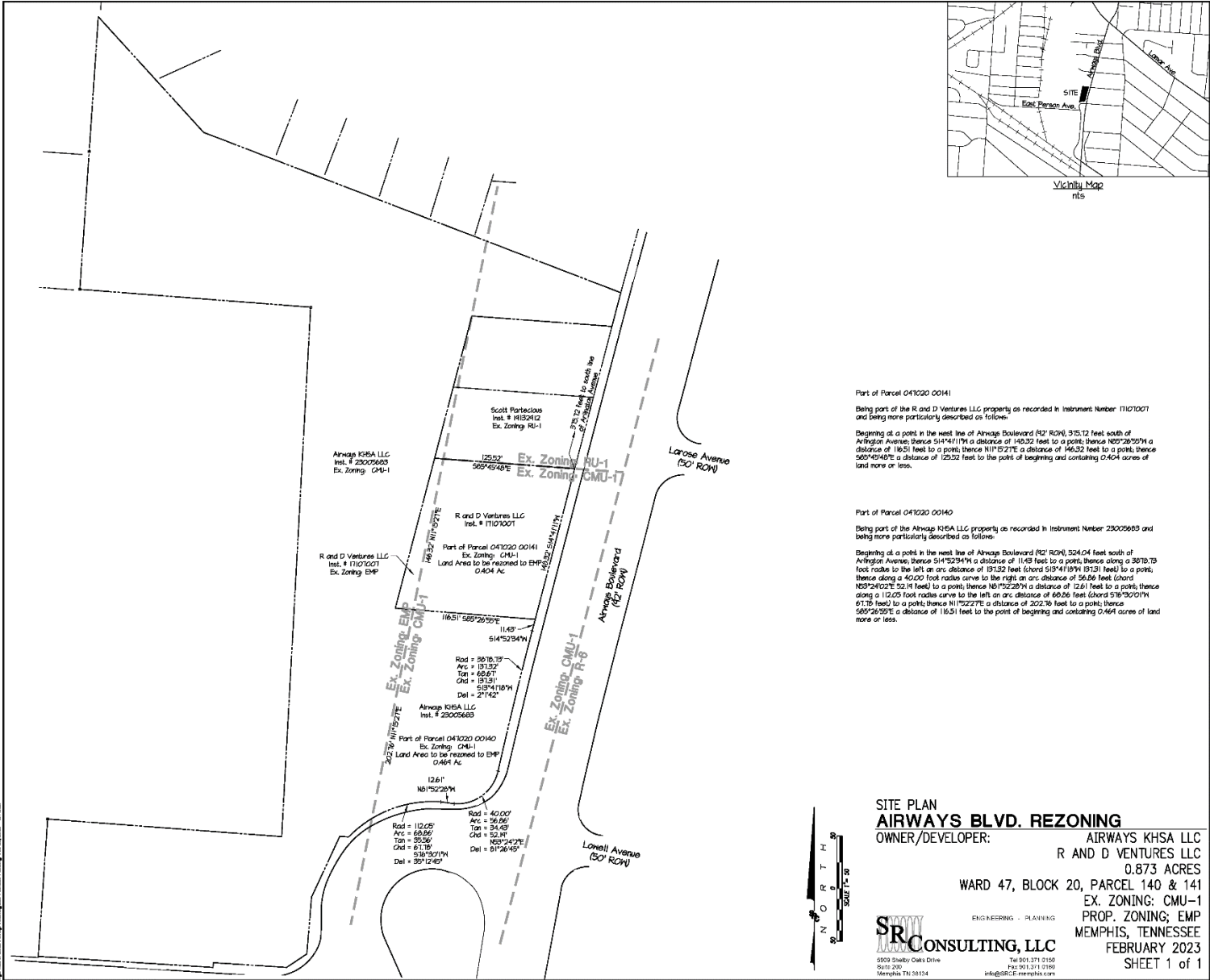
West: Employment (EMP)

LAND USE MAP



Subject property outlined in electric blue and indicated by pink stars

PLOT PLAN

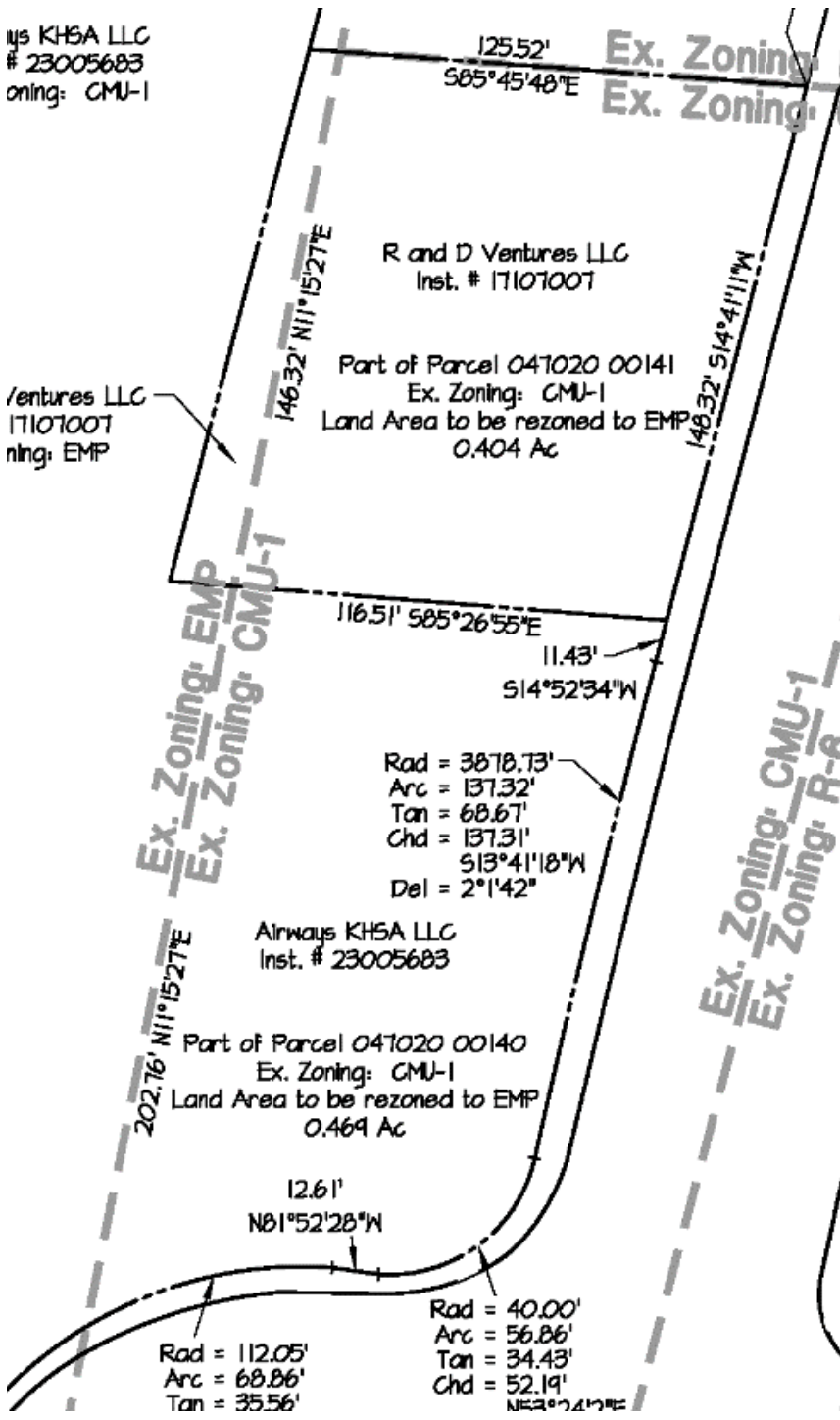


SITE PLAN
AIRWAYS BLVD. REZONING
OWNER/DEVELOPER: AIRWAYS Khsa LLC
R AND D VENTURES LLC
0.873 ACRES
WARD 47, BLOCK 20, PARCEL 140 & 141
EX. ZONING: CMU-1
PROP. ZONING: EHP
MEMPHIS, TENNESSEE
FEBRUARY 2023
SHEET 1 of 1

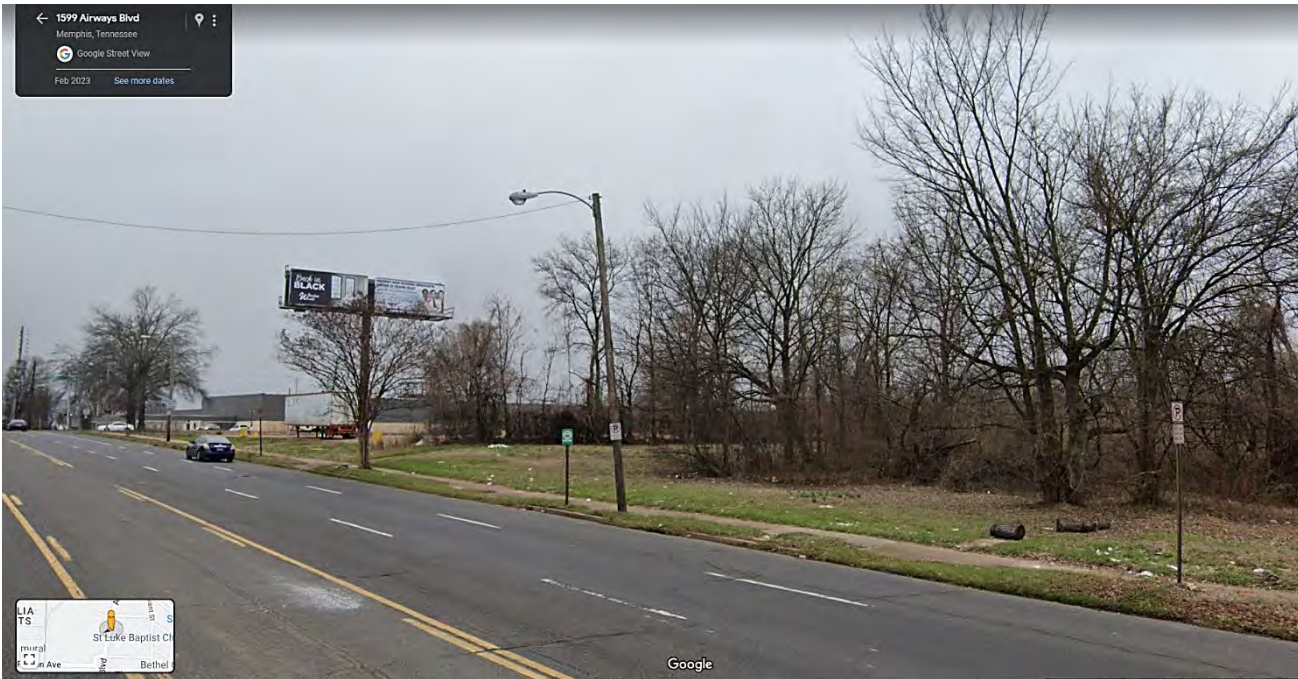
ENGINEERING - PLANNING
SR CONSULTING, LLC
6009 Shelby Oaks Drive
Suite 200
Memphis TN 38134
Tel: 901.371.0100
Fax: 901.371.0180
info@srconsulting.com

PLOT PLAN SUBJECT AREA - MAGNIFIED

airs KHS A LLC
23005683
Zoning: CMU-1



SITE PHOTOS



View of subject property from Airways Boulevard looking south



View of subject property from Airways Boulevard looking northwest



View of subject property from East Person Avenue looking north



View of subject property from Lowell Avenue looking west

STAFF ANALYSIS

Request

The application and letter of intent have been added to this report.

The request is to rezone 0.873 acres from Commercial Mixed Use – 1 (CMU-1) to Employment (EMP).

Review Criteria

Staff agrees the review criteria as set out in Sub-Section 9.5.7B of the Unified Development Code are met.

9.5.7B Review Criteria

In making recommendations, the Land Use Control Board shall consider the following matters:

9.5.7B(1) Consistency with any plans to be considered (see Chapter 1.9);

9.5.7B(2) Compatibility with the present zoning (including any residential corridor overlay district) and conforming uses of nearby property and with the character of the neighborhood;

9.5.7B(3) Suitability of the subject property for uses permitted by the current versus the proposed district;

9.5.7B(4) Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the City or County; and

9.5.7B(5) The availability of adequate police services, fire services, school, road, park, wastewater treatment, water supply and stormwater drainage facilities for the proposed zoning.

Site Description

The subject property consists of two parcels a portion being 0.469 acres of Parcel 047020 00140 and the whole of Parcel 047020 00141, which is 0.404 acres. Therefore, the request is for a total of +/-0.873 acres. The parcels are located at the northwest corner of Airways Boulevard and East Person Road. The site is currently vacant land with a concrete pad for truck equipment storage. The off-premise advertising sign approved in Docket BOA 86-41 (see Site Zoning History) also exists on Parcel 047020 00141.

Site Zoning History

On April 23, 1986, the Board of Adjustment approved Docket BOA 86-41 for a variation at 1645 Airways Boulevard (northwest corner of Airways Boulevard and East Person Avenue) to allow a 600 square foot, two-faced, off-premise advertising sign. See page 16 of this report for said notice of disposition.

Conclusions

The request is to rezone 0.873 acres from Commercial Mixed Use – 1 (CMU-1) to Employment (EMP).

The purpose of this request is to allow for consistent zoning for future development.

Staff finds the request is consistent with the Memphis 3.0 Comprehensive Plan and is appropriate zoning being that EMP District zoning is immediately adjacent and west of that is heavy industrial zoning.

The subject property is vacant at this time.

RECOMMENDATION

Staff recommends approval.

DEPARTMENTAL COMMENTS

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

City/County Engineer: See comments as follows:
CASE: Z-23-006 NAME: 1645 Airways Blvd, CASTALIA HEIGHTS

1. Standard Public Improvement Contract or Right-Of-Way Permit as required in Section 5.5.5 of the Unified Development Code.
2. No further City Engineering comments provided for rezone.

City/County Fire Division: No comments received.

City Real Estate: No comments received.

City/County Health Department: No comments received.

Shelby County Schools: No comments received.

Construction Code Enforcement: No comments received.

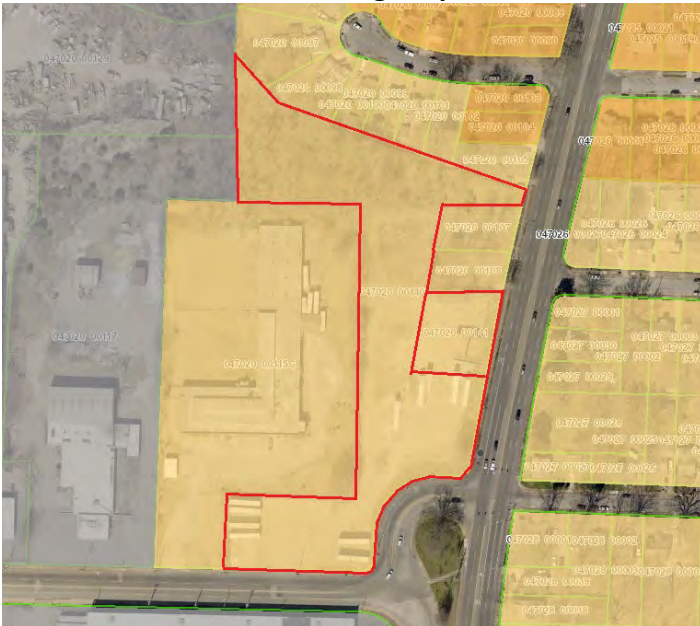
Memphis Light, Gas and Water: No comments received.

Office of Sustainability and Resilience: No comments received.

Office of Comprehensive Planning: See comments as follows:
Site Address/Location: 1629 and 0 Airways (Parcel IDs: 047020 00141, 047020 00140)
Overlay District/Historic District/Flood Zone: Not in an Overlay District, Historic District or Flood Zone
Future Land Use Designation: Anchor Neighborhood-Primarily Single-Unit (AN-S)
Street Type: Avenue & Parkway

The applicant is seeking to rezone sections of the subject parcels from CMU-1 to EMP.
The following information about the land use designation can be found on pages 76 – 122:

1. Future Land Use Planning Map



Red polygons indicate the application sites on the Future Land Use Map.

2. Land Use Description/Intent

Anchor Neighborhood-Primarily Single-Unit (AN-S) are walkable neighborhoods within a 5 – 10-minute walk of a Community Anchor. These neighborhoods are made up of single-unit and duplex housing. Graphic portrayal of AN-S is to the right.



“AN-S” Form & Location Characteristics

NURTURE, ACCELERATE, and SUSTAIN

Primarily detached, single-family residences and commercial and institutional uses. Attached single-family, duplexes, triplexes, quadplexes and large homes (defined in the UDC as those apartment buildings with up to 6 units), including those with active ground floor commercial uses (including live/work) along sidewalk, are also permitted. Height: 1-3 stories. Scale: house-scale.

“AN-S” Zoning Notes

Generally compatible with the following zone districts: R-15, R-10, R-8, R-6, R-3, RU-1, MDR in accordance with Form and characteristics listed below.

Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Parking, CMU-1, EMP

Adjacent Land Use and Zoning: Vacant, Industrial, Single-Family, CMU-1, EMP, R-6, RU-1

Overall Compatibility: *This requested use is not compatible with the land use description/intent, form & location characteristics, and zoning notes as the proposed EMP rezoning would permit industrial uses rather than single family residential uses. However, the requested rezoning is consistent with the existing, adjacent land use and zoning as the EMP zoning designation and industrial uses are present to the immediate west of the proposed area.*

3. Degree of Change Map



Red polygon denotes the proposed site in Degree of Change area. The Degree of Change is Accelerate.

4. Degree of Change Description

Accelerate areas rely on a mix of primarily private and philanthropic resources along with some public resources to intensify the existing pattern of a place.

The proposed rezoning would speed up development activity in the area by allowing a greater mix of uses on the subject sites.

5. Objectives/Actions Consistent with Goal 1, Complete, Cohesive, Communities

N/A

6. Pertinent Sections of Memphis 3.0 that Address Land Use Recommendations

N/A

Consistency Analysis Summary

The applicant is seeking to rezone sections of the subject parcels from CMU-1 to EMP.

This requested use is not compatible with the land use description/intent, form & location characteristics, and zoning notes as the proposed EMP rezoning would permit industrial uses rather than single family residential uses. However, the requested rezoning is consistent with the existing, adjacent land use and zoning as the EMP zoning designation and industrial uses are present to the immediate west of the proposed area.

The proposed rezoning would speed up development activity in the area by allowing a greater mix of uses on the subject sites.

Based on the information provided, the proposal is CONSISTENT with the Memphis 3.0 Comprehensive Plan.

Summary Compiled by: Brian Mykulyn, Comprehensive Planning.

APPLICATION



Record Summary for Rezoning

Record Detail Information

Record Type: Rezoning

Record Status: Assignment

Opened Date: March 2, 2023

Record Number: Z 2023-006

Expiration Date:

Record Name: Airways Blvd. Rezoning

Description of Work: Rezoning from CMU-1 to EMP

Parent Record Number:

Address:

1645 AIRWAYS BLVD, MEMPHIS 38114

Owner Information

Primary Owner Name

Y AIRWAYS KHSA LLC

Owner Address

986 HOLLIS F PRICE ST, MEMPHIS, TN 38126

Owner Phone

Parcel Information

047020 00140

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner N/A

Date of Meeting -

Pre-application Meeting Type -

GENERAL INFORMATION

Is this application in response to a citation from No

GENERAL INFORMATION

Construction Code Enforcement or Zoning Letter?

Have you held a neighborhood meeting? No

If yes, please provide additional information -

GIS INFORMATION

Central Business Improvement District No

Case Layer BOA1986-041

Class C

Downtown Fire District No

Historic District -

Land Use PARKING

Municipality MEMPHIS

Overlay/Special Purpose District -

Zoning CMU-1

State Route -

Lot -

Subdivision -

Planned Development District -

Wellhead Protection Overlay District -

Data Tables

ADDRESS AND PARCEL LIST

Property Address: 0 Airways Blvd.

Property Parcel Number: 047020 00140

Property Address: 1629 Airways Blvd

Property Parcel Number: 047020 00141

Contact Information

Name	Contact Type
HAROON HAIMED	APPLICANT

Address

Phone

-

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1452305	Credit Card Use Fee (.026 x fee)	1	0.00	INVOICED	0.00	03/02/2023
1452422	Non-Residential Rezoning - 5 acres or less	1	1,000.00	INVOICED	0.00	03/02/2023

Total Fee Invoiced: \$1,000.00

Total Balance: \$0.00

LETTER OF INTENT



Date: February 21, 2023
To: Division of Planning & Development
From: Cindy Reaves
Re: Airways Blvd. Rezoning

LETTER OF INTENT

We are submitting a Rezoning application for property at 0 & 1629 Airways Blvd. The property is located at the northwest corner of Airways Blvd. and Person Ave. The property is part of a larger parcel that is Zoned EMP to the west of these parcels. Our request for rezoning is within the CMU-1 zoning district and is approximately 0.873 acres in area. The EMP zoning is also compatible with the surrounding adjacent properties to the west. The approval of this request will provide consistent zoning for this site to be developed in the future.

We appreciate your support with this request. Please contact me if you have any questions.

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, Kristin Reaves, being duly sworn, depose and say that at 1:52 pm on the 30th day of March, 2023. I posted one Public Notice Sign pertaining to Case No. Z 23-006 in front of the property located at 1629 Airways providing notice of a Public Hearing before the April 13, 2023 Land Use Control Board for consideration of a proposed Land Use Action (Zoning), a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

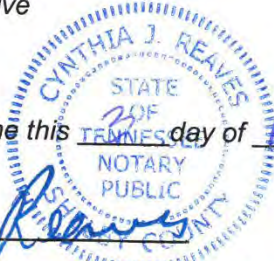
Kristin Reaves

Owner, Applicant or Representative

04/03/2023

Date

Subscribed and sworn to before me this 30 day of April, 2023



Cynthia J. Reaves

Notary Public
My commission expires: 9/29/23



LETTERS RECEIVED

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



Record Summary for Rezoning

Record Detail Information

Record Type: Rezoning

Record Status: Assignment

Opened Date: March 2, 2023

Record Number: Z 2023-006

Expiration Date:

Record Name: Airways Blvd. Rezoning

Description of Work: Rezoning from CMU-1 to EMP

Parent Record Number:

Address:

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Owner Information

Primary Owner Name

Y AIRWAYS KHSA LLC

Owner Address

986 HOLLIS F PRICE ST, MEMPHIS, TN 38126

Owner Phone

Parcel Information

047020 00140

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner N/A

Date of Meeting -

Pre-application Meeting Type -

GENERAL INFORMATION

Is this application in response to a citation from No

GENERAL INFORMATION

Construction Code Enforcement or Zoning Letter?

Have you held a neighborhood meeting? No

If yes, please provide additional information -

GIS INFORMATION

Central Business Improvement District No

Case Layer BOA1986-041

Class C

Downtown Fire District No

Historic District -

Land Use PARKING

Municipality MEMPHIS

Overlay/Special Purpose District -

Zoning CMU-1

State Route -

Lot -

Subdivision -

Planned Development District -

Wellhead Protection Overlay District -

Data Tables

ADDRESS AND PARCEL LIST

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Property Parcel Number: 047020 00140

Property Address: 1629 Airways Blvd

Property Parcel Number: 047020 00141

Contact Information

Name	Contact Type
HAROON HAIMED	APPLICANT

Address

Phone

-

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
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Total Fee Invoiced: \$1,000.00

Total Balance: \$0.00

Payment Information**Payment Amount**

\$1,000.00

Method of Payment

Check

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

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

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

OWNER: Includes the holder of legal title as well as holders of any equitable interest, such as trust beneficiaries, contract purchasers, option holders, lessees under leases having an unexpired term of at least ten years, and the like. Whenever a statement of ownership is required by the Memphis and Shelby County Unified Development Code, full disclosure of all legal and equitable interest in the property is required. Memphis and Shelby County Unified Development Code Section 12.3.1.

I, Khalid Hamed
(Print Name)


(Sign Name)

state that I have read the definition of

"Owner" as outlined in the Memphis and Shelby County Unified Development Code Section 12.3.1 and hereby state that (select applicable box):

- I am the owner of record as shown on the current tax rolls of the county Assessor of Property; the mortgage holder of record as shown in the mortgage records of the county Register of Deeds; purchaser under a land contract; a mortgagee or vendee in possession; or I have a freehold or lesser estate in the premises
- I have charge, care or control of the premises as trustee, agent, executor, administrator, assignee, receiver, guardian or lessee (and have included documentation with this affidavit)


of the property located at 0 Airways Blvd.

and further identified by Assessor's Parcel Number 047020 00140

for which an application is being made to the Division of Planning and Development

Subscribed and sworn to (or affirmed) before me this 29th day of Feb in the year of 2023


Signature of Notary Public


MY COMMISSION EXPIRES 9/27/23
My Commission Expires

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

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

Property Owner's Affidavit

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I, Ricky Tony Aik Tom (Print Name)  (Sign Name), state that I have read the definition of

"Owner" as outlined in the Memphis and Shelby County Unified Development Code Section 12.3.1 and hereby state that (select applicable box):

I am the owner of record as shown on the current tax rolls of the county Assessor of Property; the mortgage holder of record as shown in the mortgage records of the county Register of Deeds; purchaser under a land contract; a mortgagee or vendee in possession; or I have a freehold or lesser estate in the premises

I have charge, care or control of the premises as trustee, agent, executor, administrator, assignee, receiver, guardian or lessee (and have included documentation with this affidavit)

of the property located at 1629 Airways Blvd.

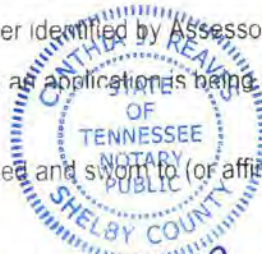
and further identified by Assessor's Parcel Number 047020 00141

for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 28th day of Feb. in the year of 23


Signature of Notary Public

9/27/23
My Commission Expires





ENGINEERING • PLANNING

5909 Shelby Oaks Drive
Suite 200
Memphis TN 38134

Tel: 901-373-0380
Fax: 901-373-0370
www.SRCE-memphis.com

Date: February 21, 2023

To: Division of Planning & Development

From: Cindy Reaves

Re: Airways Blvd. Rezoning

LETTER OF INTENT

We are submitting a Rezoning application for property at 0 & 1629 Airways Blvd. The property is located at the northwest corner of Airways Blvd. and Person Ave. The property is part of a larger parcel that is Zoned EMP to the west of these parcels. Our request for rezoning is within the CMU-1 zoning district and is approximately 0.873 acres in area. The EMP zoning is also compatible with the surrounding adjacent properties to the west. The approval of this request will provide consistent zoning for this site to be developed in the future.

We appreciate your support with this request. Please contact me if you have any questions.



Vicinity Map
nts



Part of Parcel 041020 00141

Being part of the R and D Ventures LLC property as recorded in Instrument Number 17107007 and being more particularly described as follows:

Beginning at a point in the west line of Airways Boulevard (92' ROW), 375.72 feet south of Arlington Avenue; thence S14°41'11"W a distance of 148.32 feet to a point; thence N85°26'55"W a distance of 116.51 feet to a point; thence N11°15'27"E a distance of 146.32 feet to a point; thence S85°45'48"E a distance of 125.52 feet to the point of beginning and containing 0.404 acres of land more or less.

Part of Parcel 041020 00140

Being part of the Airways KHSA LLC property as recorded in Instrument Number 23005683 and being more particularly described as follows:

Beginning at a point in the west line of Airways Boulevard (92' ROW), 524.04 feet south of Arlington Avenue; thence S14°52'34"W a distance of 11.43 feet to a point; thence along a 3878.73 foot radius to the left an arc distance of 137.32 feet (chord 513°41'18"W 137.31 feet) to a point; thence along a 40.00 foot radius curve to the right an arc distance of 56.86 feet (chord N53°24'02"E 52.14 feet) to a point; thence N81°52'28"W a distance of 12.61 feet to a point; thence along a 112.05 foot radius curve to the left an arc distance of 68.86 feet (chord S16°30'01"W 67.78 feet) to a point; thence N11°52'27"E a distance of 202.76 feet to a point; thence S85°26'55"E a distance of 116.51 feet to the point of beginning and containing 0.469 acres of land more or less.

SITE PLAN
AIRWAYS BLVD. REZONING

OWNER/DEVELOPER:

AIRWAYS KHSA LLC
R AND D VENTURES LLC
0.873 ACRES

WARD 47, BLOCK 20, PARCEL 140 & 141
EX. ZONING: CMU-1



5909 Shelby Oaks Drive
Suite 200
Memphis TN 38134

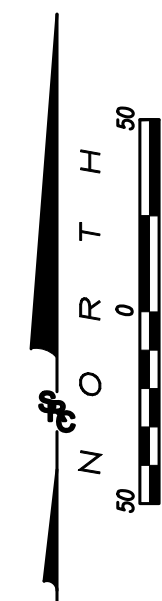
ENGINEERING - PLANNING

Tel 901.371.0150
Fax 901.371.0160
info@SRCE-memphis.com

PROP. ZONING; EMP
MEMPHIS, TENNESSEE

FEBRUARY 2023

SHEET 1 of 1



Part of Parcel 047020 00141

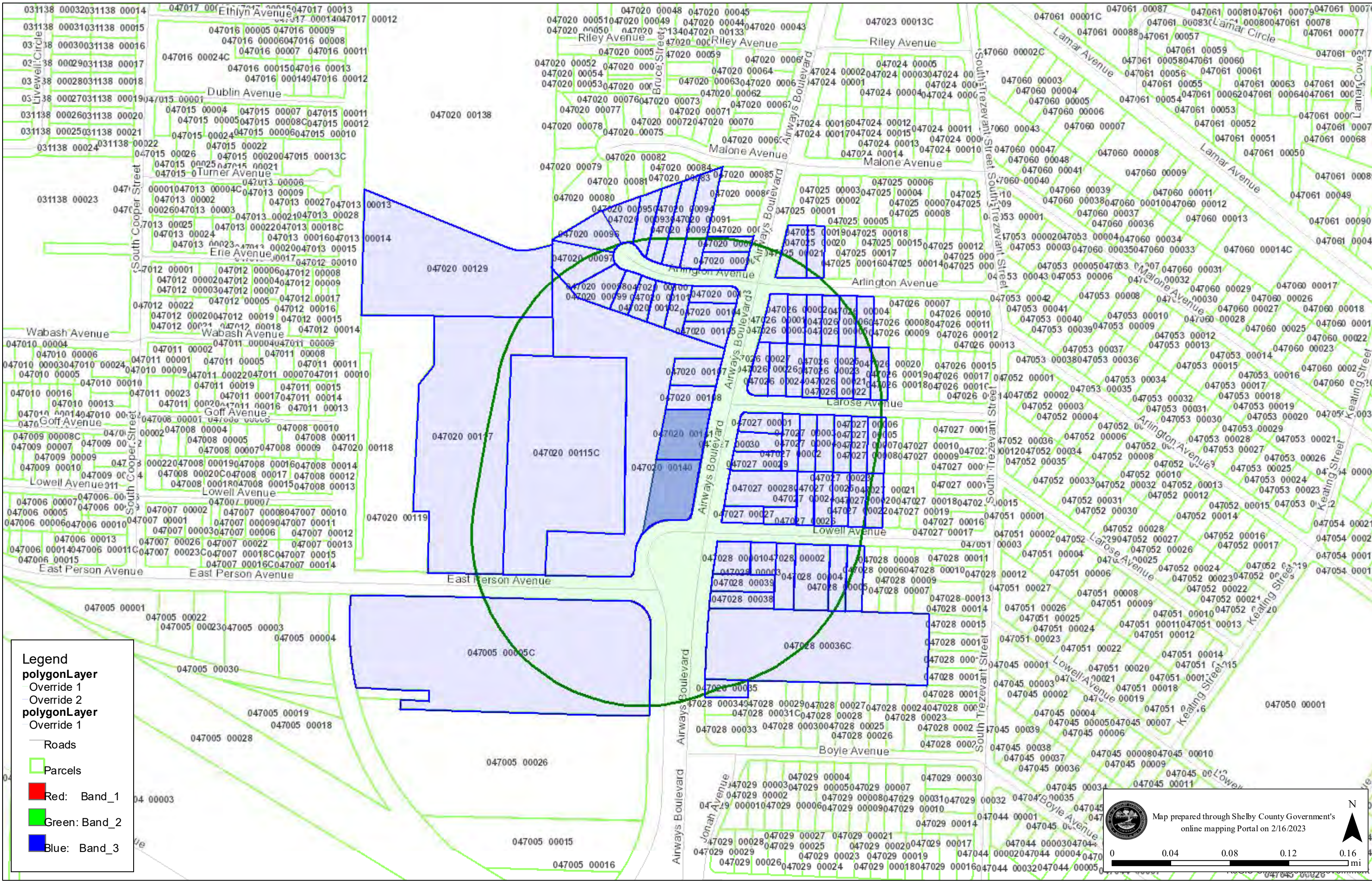
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Legend

- polygonLayer**
- Override 1
- Override 2
- polygonLayer**
- Override 1
- Roads
- Parcels
- Red: Band_1
- Green: Band_2
- Blue: Band_3

Map prepared through Shelby County Government's online mapping Portal on 2/16/2023

SR Consulting Engineering
5909 Shelby Oaks Drive, Suite 200
Memphis TN 38134

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5909 Shelby Oaks Drive, Suite 200
Memphis TN 38134

Airways KHASA LLC
986 Hollis F Price St.
Memphis, TN 38126-5910

Airways KHASA LLC
986 Hollis F Price St.
Memphis, TN 38126-5910

Airways KHASA LLC
986 Hollis F Price St.
Memphis, TN 38126-5910

Airways KHASA LLC
986 Hollis F Price St.
Memphis, TN 38126-5910

Airways KHASA LLC
986 Hollis F Price St.
Memphis, TN 38126-5910

R & D Ventures LLC
5031 Anchor Cv.
Memphis, TN 38117-3404

R & D Ventures LLC
5031 Anchor Cv.
Memphis, TN 38117-3404

R & D Ventures LLC
5031 Anchor Cv.
Memphis, TN 38117-3404

R & D Ventures LLC
5031 Anchor Cv.
Memphis, TN 38117-3404

R & D Ventures LLC
5031 Anchor Cv.
Memphis, TN 38117-3404

STOL RENTALS LLC
137 HIDDEN ACRES DR #
LOGANTON PA 17747

STONE CHARLES AND BARBARA ADAIR (RS)
2308 LAROSE AVE #
MEMPHIS TN 38114

TATE RUTHIE
1670 AIRWAYS BLVD #
MEMPHIS TN 38115

WALKER GEORGE R
2231 ARLINGTON AVE #
MEMPHIS TN 38114

GIBSON KENNETH J & JEARL D
2312 LAROSE AVE #
MEMPHIS TN 38114

BOLDEN DONALD G
1678 AIRWAYS BLVD #
MEMPHIS TN 38114

DEAN LEARINZIA & ESTELLA
2237 ARLINGTON AVE #
MEMPHIS TN 38114

TATE DORIS
2318 LAROSE AVE #
MEMPHIS TN 38114

MENJIVAR MARIA
3099 KEMPER DR #
MEMPHIS TN 38115

HOYLE CAROLYN M
2241 ARLINGTON AVE #
MEMPHIS TN 38114

MALLORY LEE R
4577 HANCOCK DR #
MEMPHIS TN 38116

RUSSELL SAMUEL & SYLVIA
2294 LAROSE AVE #
MEMPHIS TN 38114

MCCRARY MARY E (LE) AND HAROLD MCCRARY A
2247 ARLINGTON AVE #
MEMPHIS TN 38114

HUERTA VICTOR S
1632 AIRWAYS BLVD #
MEMPHIS TN 38114

HAYES DORA P & DANESE F
502 W ARBUTUS ST #
COMPTON CA 90220

CURRY LAURA
1589 AIRWAYS BLVD #
MEMPHIS TN 38114

BEAUREGARD MURLENE
2325 LAROSE AVE #
MEMPHIS TN 38114

CRAWFORD BUREL & CAROL Y
2026 WILSON RD #
MEMPHIS TN 38116

PINSON RUTHIE M
1593 AIRWAYS BLVD #
MEMPHIS TN 38114

BOLDS CARRIE E
1640 AIRWAYS BLVD #
MEMPHIS TN 38114

FERRELL PAVING INC
2174 E PERSON AVE #
MEMPHIS TN 38114

EL-TAYECH MAHMOUD
4253 RHODES AVE #
MEMPHIS TN 38111

MCKINLEY RAY JR AND WILLIAMS LEONA
2308 LOWELL AVE #
MEMPHIS TN 38114

FIFER CARLOS
723 BRISTON LN
COLLIERVILLE TN 38017

MARSHALL TONYA M W
7469 MORGAN HOUSE DR #
MEMPHIS TN 38125

STALLINGS VINCENT T
2302 LOWELL AVE #
MEMPHIS TN 38114

BOONE EARNEST E
2238 ARLINGTON AVE #
MEMPHIS TN 38114

NEELY GERALD
PO BOX 34277 #
MEMPHIS TN 38184

GFM INVESTMENTS LLC
2130 PENDLETON ST #
MEMPHIS TN 38114

STREET WILLIAM A III AND CAROL E STREET
7938 US HIGHWAY 70 #
MEMPHIS TN 38133

HUDSON RICHARD E & FLOSSIE M
2296 ARLINGTON AVE #
MEMPHIS TN 38114

MORRIS BRIAN & ANDREA
2311 ARLINGTON #
MEMPHIS TN 38114

CLEAVES DEAN
2321 LAROSE AVE #
MEMPHIS TN 38114

WHITCOMB BLAKE
440 GAREDEN ST #
WEST SACRAMENTO CA 95691

HOOKS RONALD K JR
2317 ARLINGTON AVE #
MEMPHIS TN 38114

BOLDS CLARENCE L (ESTATE OF)
1640 AIRWAYS BLVD #
MEMPHIS TN 38114

GOODWIN CAROLYN M AND RONALD
1989 E PERSON AVE #
MEMPHIS TN 38114

JOHNSON RICHARD D
2196 E PERSON AVE #
MEMPHIS TN 38114

REFRESHING SPRINGS COMMUNITY DEV CORP
4935 ELVIS PRESLEY BLVD #
MEMPHIS TN 38116

MILES RON
1989 E PERSON AVE #
MEMPHIS TN 38114

SURGEON CORY J
3110 SEMINARY CV #
MEMPHIS TN 38116

HARVEY LASONYA AND ALTONIUS DAVIS
2312 LOWELL AVE #
MEMPHIS TN 38114

R AND D VENTURES LLC
5031 ANCHOR CV #
MEMPHIS TN 38117

PROFESSIONAL SPECIALTIES CO
PO BOX 140188 #
MEMPHIS TN 38114

PEARCE RICHARD
596 WARING RD #
MEMPHIS TN 38122

SMILE ROBERT L & INEZ AND SHEREE C HEROD
2253 ARLINGTON AVE #
MEMPHIS TN 38114

WILSON CORNELIUS & JOYCE M AND NICOLE
2328 LAROSE AVE #
MEMPHIS TN 38114

RKV REAL ESTATE LLC

STOKES BETTY A
2257 ARLINGTON AVE #
MEMPHIS TN 38114

FREEMAN MELODY
7727 DRISCOLL ST
MEMPHIS TN 38125

FIFER CARLOS
723 BRISTON LN #
COLLIERVILLE TN 38017

WINTON JIMMY AND CAROLYN W SHELL
8310 RAMBLING ROSE DR #
OOLTEWAH TN 37363

UPCHURCH BRANETTE M
1634 BONNIE DR #
MEMPHIS TN 38116

MASON PAMELA AND ZELA HAYSE AND
1658 AIRWAYS BLVD #
MEMPHIS TN 38114

NUNNALLY JAMES & IDA L
2301 ARLINGTON AVE #
MEMPHIS TN 38114

FREEMAN MELODY
7727 DRISCOLL ST
MEMPHIS TN 38125

HENDERSON LYJUANICA D
4620 CEDAR BRANCH CIR #
MEMPHIS TN 38128

CARPENTER ALONZA
6822 17TH ST S
SAINT PETERSBURG FL 33712

BOOKER JANET D
2317 LAROSE AVE #
MEMPHIS TN 38114

SENENSE TARYN
2293 LOWELL AVE #
MEMPHIS TN 38114

LEON FIDEL P
2301 LOWELL AVE #
MEMPHIS TN 38114

CARRUTHERS GRACIE
2307 LOWELL AVE #
MEMPHIS TN 38114

FOSTER REZELL (ESTATE OF) AND KAREN F
1628 CASTALIA #
MEMPHIS TN 38114

AIRWAYS PROPERTIES LLC
318 WINCHESTER RD #
MEMPHIS TN 38109

END TIME CHURCH (TRS)
4651 BARKLEY GLEN DR #
COLLIERVILLE TN 38017

SIXTEEN NINETY-NINE AIRWAYS WAREHOUSE
5160 SANDERLIN AVE #1
MEMPHIS TN 38117


SCOTT PARTECIOUS
3260 KIRBY PKWY #4
MEMPHIS TN 38115

SIXTEEN NINETY NINE AIRWAYS
5160 SANDERLIN #1
MEMPHIS TN 38117



Tom Leatherwood
Shelby County Register / Archives

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

	
17107007	
10/17/2017	02:03 PM
7 PGS	
MELISA 1660883-17107007	
VALUE	400000.00
MORTGAGE TAX	0.00
TRANSFER TAX	1480.00
RECORDING FEE	35.00
DP FEE	2.00
REGISTER'S FEE	1.00
WALK THRU FEE	0.00
TOTAL AMOUNT	1518.00
TOM LEATHERWOOD	
<small>REGISTER OF DEEDS SHELBY COUNTY TENNESSEE</small>	

This instrument prepared by:
Hartman Simons & Wood LLP
6400 Powers Ferry Road, Suite 400
Atlanta, Georgia 30339

After recording return to:
Greg Voehringer, Esq.
The Voehringer Law Firm, PC
4917 William Arnold Road
Memphis, TN 38117

ADDRESS NEW OWNER:
R&D Ventures, LLC
5031 Anchor Cove
Memphis, TN 38117

SEND TAX BILLS TO:
R&D Ventures, LLC
5031 Anchor Cove
Memphis, TN 38117

PARCEL ID:
096-400-00135
060-222-00377
060-220-00038
068-001-00005
020-086-00013 & 00014
088-035-00051
047-020-00141
060-227-00008 (easement)
089-002-A00007

STATE OF TENNESSEE
COUNTY OF SHELBY

The actual consideration or value, whichever is greater, for this transfer is \$400,000.00.



[Signature]

Affiant

Subscribed and sworn to before me this the 17 day of October, 2017.

[Signature]

Notary Public

My Commission Expires: 11/22/18

SPECIAL WARRANTY DEED

FOR AND IN CONSIDERATION OF the sum of Ten Dollars (\$10.00), cash in hand paid by the hereinafter named GRANTEE, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, **RREF ST-TN WHT, LLC**, a Tennessee limited liability company, hereinafter called "GRANTOR," has bargained and sold, and by these presents does transfer and convey unto **R&D VENTURES, LLC**, a Tennessee limited liability company, hereinafter called "GRANTEE," its successors and assigns, certain real property in Shelby County, State of Tennessee, described as follows (the "Property") together with all rights, interests, easements and hereditaments appurtenant thereto:

SEE EXHIBIT "A" ATTACHED HERETO AND
MADE A PART HEREOF BY THIS REFERENCE.

Parcels 1-8 being the same parcels 1, 3, 6, 10, 11, 12, 16 and 17 conveyed to GRANTOR by Deed of record at Instrument Number 15072931 and re-recorded at Instrument Number 15095740 in the Shelby County Register's Office; and Parcel 9 being the same property conveyed to GRANTOR by Deed of record at Instrument Number 15090600 in the Shelby County Register's Office.

The Property is transferred subject to the limitations, restrictions, and encumbrances ("Permitted Exceptions") set forth as follows:

- (a) Real property taxes and assessments for the year 2018 and thereafter;
- (b) Zoning and other regulatory laws and ordinances affecting the Property;
- (c) Matters that would be disclosed by an accurate survey;
- (d) Rights of tenants in possession (if any);
- (e) Any plat affecting the Property; and
- (f) Easements, rights of way, limitations, conditions, covenants, restrictions, and other matters of record.

TO HAVE AND TO HOLD the Property, with the appurtenances, estate, title and interest thereto belonging to the said GRANTEE, its successors and assigns, forever, and GRANTOR does covenant with said GRANTEE that it is lawfully seized and possessed of the Property in fee simple, has a good right to convey it, and the same is free from all encumbrances made or suffered by Grantor, except for the Permitted Exceptions; and GRANTOR does further covenant and bind itself, its successors and assigns, to warrant and forever defend the title to the Property to the said GRANTEE, its successors and assigns, against the lawful claims of all persons claiming by, through or under the GRANTOR, but not further or otherwise. Wherever used, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

(signature page follows)

EXHIBIT "A"
LEGAL DESCRIPTION

Parcel 1- 0 Collierville-Arlington Road, Memphis, TN

BEGINNING at a set 1/2" iron pin on the North line of Collierville Arlington Road (State Highway 205) (40' wide R.O.W.), a distance of 1,044.13 feet West of the Centerline point where said road makes a 90 degree turn in a Northward direction in the unincorporated town of Eads, as measured along said North line, said point also being on the West line of the Patriola McIntyre property project Southwardly as described in Deed of record in Instrument Number BR 0408, at the Shelby County Register's Office, said point also being 60 feet South of the centerline of the old L & N Railroad 100' wide R.O.W. (Abandoned); thence Westwardly along the said North line of Collierville Arlington Road (20' North of the Centerline) and parallel to said L & N Railroad and along the arc of a curve to the right having a radius of 5,790.00 feet, an arc length of 730.41 feet and a chord of 729.93 feet (South 83 degrees 18 minutes 38 seconds West) to a set 1/2" iron pin at the point of tangency; thence South 86 degrees 55 minutes 28 seconds West along the North line of said Collierville Arlington Road and parallel to and 60' South of the centerline of said Railroad, a distance of 673.72 feet in a set 1/2" iron pin on the East line of the Rosewood Estate Partnership tract (Instrument Number KH 1572) thence North 3 degrees 55 minutes 13 seconds East along the East line of said Tract and crossing the said Railroad 1,101.07 feet to a set 1/2" iron pin at the Southwest corner of the Rosewood Estate Partnership property described in Instrument Number KH 1573; thence South 89 degrees 12 minutes 42 seconds East along the South line of said property 776.00 feet to a found 1/2" iron pipe at the Southwest corner of Lot 3, Section "A", Evelyn Byrd Subdivision of record in Plat Book 92, Page 48; thence South 87 degrees 01 minutes 55 seconds East along the South line of said Lot 3, a distance of 438.64 feet to a set 1/2" iron pin on the West line of the State of Tennessee property (Instrument Number 02074473), said point being on the West line of proposed State Highway 385; thence South 19 degrees 49 minutes 56 seconds East along said West line, a distance of 217.88 feet to a set 1/2" iron pin at an angle point; thence South 03 degrees 03 minutes 32 seconds East along said West line, 109.03 feet to a set 1/2" iron pin at the beginning of a curve to the left; thence Southwardly along said West line and along the arc of said curve having a radius of 6,594.48 feet, an arc length of 182.97 feet and a chord of 182.96 feet (South 03 degrees 51 minutes 13 seconds East) to a set 1/2" iron pin at the point of tangency; thence South 04 degrees 38 minutes 50 seconds East along said West line, a distance of 312.83 feet to a set 1/2" iron pin at an angle point; thence South 03 degrees 45 minutes 55 seconds West along said West line, a distance of 136.04 feet to the point of beginning, containing 31.942 acres, more or less.

Being all or part of the same property conveyed to William H. Thomas, Jr. by Warranty Deed of record as Instrument Number 02210814 in said Register's Office.

Parcel 2- 0 Elvis Presley Blvd., Memphis, TN

Lot 3, Elvis Presley Boulevard Industrial Subdivision as shown on Plat of record in Plat Book 220, Page 19, in Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description.

Being part of the same property conveyed to William H. Thomas, Jr. by Warranty Deed of record as Instrument Number 04135027 in said Register's Office.

Parcel 3- 0 Childress, Memphis, TN

Lot 3 of the Skyview Subdivision of record in Plat Book 14, Page 59, in the Register's Office of Shelby County, Tennessee, to which Plat reference is hereby made for a more particular description of the property.

Being part of the same property conveyed to William H. Thomas, Jr. by Special Warranty Deed with Reservation of Avigation Easement of record as Instrument Number 04047682 in said Register's Office.

Parcel 4- 0 I-40, Memphis, TN

Located adjacent to the east right-of-way line of the I-240 (N. bound) and I-40 (East bound) ramp. Western limit of property is generally the center line of the old Wolf River. Property is part of a 380 ft. wide permanent drainage easement acquired by the State of Tennessee recorded in Book 4516, page 445 as Parcel No. E-1E, and as amended in Book 4520, page 220 in the property of Frank M. Weathersby, Love Brooks, and Lavelle S. Brooks as recorded in Book 3034, page 575; Book 3193, page 328; and Book 3328, page 476, in the Shelby County Register's Office and more particularly described as follows:

Beginning at a point in the east right-of-way line of Interstate Highway Route No. FAI 511-B north 29 degrees 45 minutes 57 seconds west 143.16 feet and north 6 degrees 48 minutes 18 seconds west 164.22 feet from the north line of the N.C. and St. L. Railroad as measured along the east right-of-way line of the Interstate Highway and running thence with the east right-of-way line of the Interstate Highway north 6 degrees 48 minutes 18 seconds west 61.79 feet to an angle point in said right-of-way line; thence with said right-of-way line north 7 degrees 00 minutes 26 seconds east 620 feet to a point; thence leaving said rights-of-way south 82 degrees 59 minutes 34 seconds east 380 feet to a point; thence south 7 degrees 00 minutes 26 seconds west 125 feet more or less to the centerline of Wolf River; thence westwardly, southwardly and eastwardly with the meanders of the center line of Wolf River 980 feet more or less to a point in the east line of the 380 ft. wide permanent drainage easement; thence with said line south 7 degrees 00 minutes 26 seconds west 35 feet more or less to a point; thence north 82 degrees 59 minutes 34 seconds west 365.25 feet to the beginning. Containing 107,200 square feet more or less.

Being part of the same property conveyed to William H. Thomas, Jr. by Quit Claim Deed of record as Instrument Number 04160715 in said Register's Office.

Parcel 5- 0 N. Waldran St., Memphis, TN

Lots 20 and 21, McKeon & Cross Subdivision, as shown on plat of record in Plat Book 2, Page 28, in the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said property.

Less and Except that portion of the said property conveyed to The State of Tennessee by Instruments Number 02035230 and 04136592, in the Register's Office.

Being the same property conveyed to William H. Thomas, Jr. by Warranty Deed of record as Instrument Number 05148298 in said Register's Office.

Parcel 6- 0 I-240, Memphis, TN

Commencing at the point of intersection of the centerline of Tant Avenue and the centerline of Palm Avenue; thence south along the centerline of Tant Avenue approximately 184 feet to a point, said point being the intersection of the centerline of Tant Avenue and the north right-of-way of I-240, thence along the north right-of-way of I-240 approximately 1800 feet to a POINT OF BEGINNING, said point being the northwest corner of said property and the north ROW line of I-240; thence N30°32'32"E a distance of 455.29 feet; S29°00'40"E a distance of 427.88 feet; thence S55°22'20"W a distance of 296.82 feet; thence S50°52'20"W a distance of 48.97 feet; thence N31°53'40"W a distance of 82.97 feet; thence S87°40'20"W a distance of 135.56 feet; thence N30°58'40"W a distance of 417.76 feet to a POINT OF BEGINNING. Containing 217,762 Sq. Ft. (5.00 Acres) more or less.

Being part of the same property conveyed to William H. Thomas, Jr. by Warranty Deed of record as Instrument Number 05021028, and also re-conveyed to William H. Thomas, Jr. by Quit Claim Deed of record as Instrument Number 08019586, and re-recorded as Instrument Number 08124255 in said Register's Office.

Parcel 7- 1629 Airways Blvd., Memphis, TN

BEGINNING at the southwest corner of lot 2 of the Wallace Johnson Subdivision recorded in Plat Book 11, Page 3 in the Register's Office of Shelby County, Tennessee and a point on the west R.O.W. line of Airways Boulevard (92' R.O.W.); Thence S 10°39'33"W along the west R.O.W. for said Airways Boulevard a distance of 130.51' to a point; Thence southwestwardly with a 3,883.29 foot radius curve to the left, an arch distance of 17.81 feet (chord of S10°31'40"W, 17.81 feet) along the west R.O.W. for said Airways Boulevard to a point; Thence N79°20'27"W a distance of 131.72 feet to a point on the west side of a 2 foot MLGW easement (1676-6); Thence N10°39'33"E a distance of 147.58 feet along the west line of said U MLGW easement to the southwest corner of lot 2 of Wallace Johnson Subdivision; Thence S89°48'23"E a distance of 131.91 feet along the south line of said lot 2 to the POINT OF BEGINNING and containing 21,781.28 sf. and/or 0.500 ac.

Being part of the same property conveyed to 1699 Airways Warehouse, LLC, by Special Warranty Deed of record as Instrument Number 06006701 in said Register's Office.

Parcel 8 (Easement Only)- 0 Hernando Rd., Memphis, TN

EASEMENT GRANTED BY INSTRUMENT NO. 06000853, AS RE-RECORDED IN INSTRUMENT NO. 06070160, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, IN THE SAID PROPERTY:

BEGINNING at a metal pipe found in the east margin of Interstate I-240 and being in the north line of the Sander-Ellis property as described in Deed Book 3434, Page 192 and Deed Book 5102, Page 192, also being the southwest corner of the Clark property as described in Deed Book 5803, Page 83 in the Register's Office of Shelby County, Tennessee, of which the certificate more particularly describes; runs thence with the margin of Interstate I-240, north 23 degrees 05 minutes 17 seconds east 407.50 feet; thence north 56 degrees 29 minutes 47 seconds east 555.65 feet to an iron pin found; runs thence south 86 degrees 25 minutes 02 seconds east 104.76 feet to a 4 inch pipe found in the west margin of Old Hernando Road (25 feet from the centerline); runs thence with the west margin of Old Hernando Road, south 3 degrees 14 minutes 58 seconds west 707.93 feet to an iron pin, set in Sanders-Ellis' north line, runs thence with Sanders-Ellis' north line, north 87 degrees 21 minutes 57 seconds west 688.20 feet to the point of beginning containing 7.8873 acres as surveyed by Surveying Services, Inc., 41 Heritage Square, Jackson, Tennessee 38305 (654-0807)

Being the same property upon which William H. Thomas, Jr. was granted perpetual easements pursuant to that certain Agreement Granting Perpetual Easements of record as Instrument Number 06000853, re-recorded as Instrument Number 06070160, and re-recorded again as Instrument Number 12075753.

Parcel 9- 0 Shelby Oaks Drive

Lot 7, I-40/Shelby Oaks Drive Subdivision, Section A, as recorded in Plat Book 228, Page 31, in the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said property.

Being part of the same property conveyed to the party of the first party by Quit Claim Deed of record at Instrument Number 03161839 in the Register's Office of Shelby County, Tennessee.



Shelby County Tennessee

Willie F. Brooks, Jr.

Shelby County Register

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

23005683

01/20/2023 - 09:17:30 AM



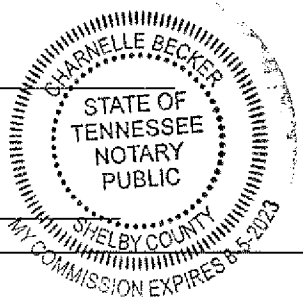
5 PGS

HERTHA 2536830-23005683

VALUE	115000.00
MORTGAGE TAX	0.00
TRANSFER TAX	425.50
RECORDING FEE	25.00
DP FEE	2.00
REGISTER'S FEE	1.00
EFILE FEE	2.00
TOTAL AMOUNT	455.50

WILLIE F. BROOKS JR

REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

<h2 style="margin: 0;">SPECIAL WARRANTY DEED</h2>	State of Tennessee County of Shelby The actual consideration or value, whichever is greater, for this transfer is \$115,000.00 .  _____ Affiant			
Subscribed and sworn to before me, this <u>19th</u> day of January, 2023  _____ Notary Public My Commission Expires: <u>08/05/2023</u> (Affix Seal)				
				
This Instrument Was Prepared By: Byrne & Associates, PLLC File No. MT-2211-19				
1326 Hardwood Trail Cordova, TN 38016 (901) 737-2911	51 N. Cooper St. Memphis, TN 38104 (901) 572-1419	404 Galleria Ln, Ste 1 Oxford, MS 38655 (662) 238-7773	5960 Getwell Rd, Ste 113 Southaven, MS 38672 (662) 300-6550	118 E Mulberry St. Ste 201 Collierville, TN 38017 (901) 436-1410
Return To: Byrne & Associates, PLLC 51 North Cooper Street Memphis, TN 38104 File No. MT-2211-19				
Address of New Owner(s) as Follows: Airways KHSA, LLC 986 Doctor Hollis F Price Street Memphis, TN 38126	Send Tax Notices To: Airways KHSA, LLC 986 Doctor Hollis F Price Street Memphis, TN 38126	Map-Parcel Numbers: 047-020-00140		

For and consideration of the sum of ten dollars, cash in hand paid by the hereinafter named Grantees, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, **Community Bank of Mississippi, hereafter referred to as "Grantor,"** have bargained and sold, and by these presents do transfer and convey unto new owner(s) as follows:

Airways KHSA, LLC, a Tennessee Limited Liability Company , hereinafter referred to as "Grantee", their heirs and assigns, a certain tract of parcel of land in **SHELBY** County, State of **TENNESSEE**, described as follows, to-wit:

SEE ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTION

This conveyance is made subject to Subdivision Restrictions, Building Lines and easements of record in Plat Book 11 Page 3 and Plat Book 11 Page 38; plus any additional covenants etc., all in said Register's Office, and except for 2023 Memphis City Taxes and 2023 Shelby County Taxes, not yet due and payable, which Grantee assumes and agree to pay.

IMPROVED
X UNIMPROVED 0 Airways Boulevard NW Memphis, TN 38114

To have and to hold the said tract or parcel of land, with the appurtenances, estate, title and interest thereto belonging to the said Grantee, their heirs and assigns forever; and I/we do covenant with said Grantee that I/we are lawfully seized and possessed of said land in fee simple, have a good right to convey said land, and the same is unencumbered unless otherwise herein set out, and I/we do further covenant with Grantee that Grantor will warrant and forever defend against the lawful claims of all persons claiming by, through or under Grantor, but not further or otherwise.

If there are multiple Grantors, the term "Grantor" as used herein shall collectively refer to each Grantor. If there are multiple Grantees, the term "Grantee" as used herein shall collectively refer to each Grantee.

Witness my hand this January 19th, 2023.

Community Bank of Mississippi
By: [Signature]
Simon Weir, Authorized Signatory

State of MS §

County of Desoto §

Before me, the undersigned Notary Public, of the State and County aforesaid, personally appeared Simon Weir, with whom I am personally acquainted or proved to me on the basis of satisfactory evidence, and who, upon oath, acknowledged himself to be the Authorized Signatory of Community Bank of Mississippi, the within named bargainor, and that he as such Authorized Signatory, being authorized to do so, executed the foregoing instrument for the purposes therein contained, by signing the name of the Community Bank of Mississippi, by himself as such Authorized Signatory.

Witness my hand and notarial seal this January 19th, 2023.

[Signature]
Notary Public
My Commission Expires: 3-24-23



EXHIBIT "A"**TRACT II:**

Being part of Lots 1, 2, and 3 of the Belz Person Avenue Subdivision (Plat Book 11, Page 38, Shelby County Register's Office, part of Lots 3, 4, 5, 6 and 7 of the Wallace Johnson Homes, Inc. Subdivision (Plat Book 11, Page 3, S.C.R.O.), and part of Lots 3 and 4 of the Dunlap Subdivision (unrecorded) in Memphis, Shelby County, Tennessee, and being more particularly described as follows:

Beginning at a crow's foot chisel mark found at the back of a concrete sidewalk on the north line of Person Avenue (71 foot wide right-of-way), said chisel mark being on the west line of Lot 3 of the Belz Person Avenue Subdivision; thence N 89 degrees 36" 56" E along the north line of Person Avenue 166.50 feet (measured and called) to a point on the west line of Lot 1, Belz Person Avenue Subdivision; thence N 0 degrees 03" 40" W along the west line of Lot 1, 4.5 feet (called 5.5 feet) to a point on the north line of Person Avenue (right-of-way width changes from 71 feet to 75.5 feet); thence N 89 degrees 36" 56" E along the north line of Person Avenue 70.00 feet (called 70.21 feet) to a point; thence N 52 degrees 23" 09" E 23.13" (called 22.14 feet) to a point on the east line of Lot 1; thence N 00 degrees 46" 56" E along the east line of Lot 1, 54.00 feet (called and measured) to a point; thence N 20 degrees 52" 24" E 63.30 feet (called 65.00 feet); to the northeast corner of Lot 1 and the southwest corner of Lot 7 of the Wallace Johnson Homes, Inc. Subdivision; thence N 89 degrees 36" 56" E along the south line of Lot 7, 8.2. feet (measured and called) to a point at the back of sidewalk on the north line of Airways Boulevard-west approach; thence northeastwardly with a 112.00 foot radius curve to the right an arc distance of 97.23 feet (called 98.78 feet) (Chord of N 65 degrees 11" 24" E, 94.26 feet) to the point of tangency; thence S 85 degrees 55" 03" E, 12.61 feet (called 14.43 feet) to a point of curvature; thence northeastwardly along a 40 foot radius curve to the left, an arc distance 56.86 feet (called 49.62 feet) (chord of N 49 degrees 21" 27" E, 52.19 feet) to a point of reverse curvature on the west line of Airways Boulevard (92 foot wide right-of-way); thence northwardly with the west line of Airways Boulevard along a 3883.29 foot radius curve to the right, an arc distance of 137.32 feet (called 133.45 feet) (chord of N 09 degrees 38" 44" E, 137.31 feet) to the point of tangency; thence N 10 degrees 39" 33" E along the west line of Airway Boulevard 159.76 feet (called 166.83 feet) to a crow's foot chisel mark found on the north line of Lot 3; thence N 89 degrees 48" 23" W, 133.91 feet (measured and called) to the southwest corner of Lot 2; thence N 10 degrees 39" 33" E along the west line of Lots 2 and 1, 140.03 feet (called 140.00 feet) to the northwest corner of Lot 1; thence 89 degrees 48" 23" east along the north line of Lot 1, 133.91 feet (called and measured) to a crow's foot chisel mark found on the west line of Airways Boulevard; thence N 10 degrees 39" 33" E along the west line of Airway Boulevard 35.20 feet (called 35.12 feet) to the southeast corner of the Robert Davis, et ux, property (Instrument U6-0385) said corner being 1 .09 feet north of the crow's foot chisel mark on the west line of Airway Boulevard; thence N 73 degrees 01" 18" W with the centerline of a concrete ditch along the south lines of the Davis property and Lot 27 thru 23 of the Lenow Brothers ReSubdivision (Plat Book 14 Page 58) 425.19 feet (called 430.71 feet) to an angle point in the south line of Lot 23; thence N 46 degrees 22" 34" N along the south lines of Lot 23 and 22 148.99 feet (called 143.88 feet) to the southwest corner of Lot 22, said corner being on the east line of Lincoln Street (closed); thence E 00 degrees 11" 17" E along the east line of Lincoln Street 260.00 feet (called and measured) to a point on the north line of the Professional Specialties, Inc. property (Instrument M6 6659) thence S 89 degrees 48" 23" E 220.6 feet to the northeast corner of the Professional Specialties Inc. property; thence E 00 degrees 54" 16" E 504.85 (called 502.36 feet) to the southeast corner of the Professional Specialties Inc. property, said corner being on the north line of Lot 1 of the Belz Person Avenue Subdivision; thence S 89 degrees 36" 56" W along the north line of Lots 1, 2 and 3 of the Belz Person Avenue Subdivision 323.96 feet (measured and called) to an iron pin at the northwest corner of Lot 3; thence E 00.03" 41" E 131.30 feet (called 131.60 feet) to the point of beginning.

LESS AND EXCEPT Part Sold as follows:

BEGINNING at the southwest corner of lot 2 of the Wallace Johnson Subdivision recorded in Plat Book 11, Page 3 in the Register's Office of Shelby County, Tennessee and a point on the west R.O.W. line of Airways Boulevard (92" R.O.W.); Thence S 10 degrees 39" 33" W along the west R.O.W. for said Airways Boulevard a distance of 130.51 to a point; Thence southwestwardly with a 3,883.29 foot radius curve to the left, an arch

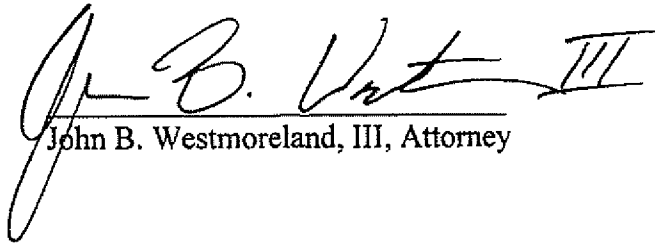
distance of 17.81 feet (chord of S 10°31'40"W 17.81 feet) along the West R.O.W. for said Airways Boulevard to a point; thence N79°20'27"W a distance of 131.72 feet to a point on the west side of a 2 foot MLGW easement (1676-6); Thence N10°39'33"E a distance of 147.58 feet along the west line of said U MLGW easement to the southwest corner of lot 2 of Wallace Johnson Subdivision; Thence S 89°48'23"E a distance of 131.91 feet along the south line of said lot 2 to the POINT OF BEGINNING and containing 21,781.28 sf. and or 0.500 ac.

Being the same property conveyed to Community Bank of Mississippi by Trustee's Deed of record at Instrument No. 22110778, dated 09/27/2022 and recorded 10/03/2022, in the Register's Office of Shelby County, Tennessee.

Property Address: 0 Airways Boulevard NW, Memphis, TN 38114

Tax Parcel ID No: 047-0200-0-00140-0

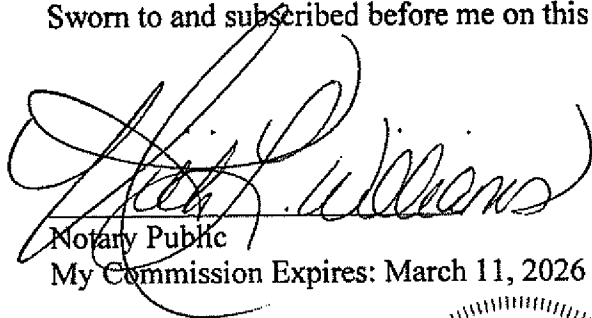
I, John B. Westmorland, III, do hereby make oath that I am a licensed attorney and/or the custodian of the electronic version of the attached document tendered for registration herewith and that this electronic document is a true and exact copy of the original document executed and authenticated according to law on 19th day of January, 2023.


John B. Westmoreland, III, Attorney

Date January 19th, 2023

State of TENNESSEE
County of SHELBY

Sworn to and subscribed before me on this 19th day of January, 2023


Notary Public
My Commission Expires: March 11, 2026

Notary's Seal





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

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

April 27, 2023

SR Consulting, LLC
5909 Shelby Oaks Dr.
Memphis, TN 38134

Sent via electronic mail to: cindy.reaves@srce-memphis.com

Case Number: Z 23-006
LUCB Recommendation: Approval

Dear Applicant,

On Thursday, April 13, 2023, the Memphis and Shelby County Land Use Control Board recommended **approval** of your rezoning application located at the northwest corner of Airways Boulevard and East Person Avenue to be included in the Employment (EMP) Zoning District.

This application will be forwarded, for final action, to the Council of the City of Memphis. Ordinances appear on three consecutive Council Agendas with the third one being the Public Hearing. The Council will review your application in a committee meeting prior to voting on it in a public hearing. The applicant or the applicant's representative(s) shall be in attendance at all meetings and hearings.

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

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

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

Respectfully,
Kendra Cobbs

Kendra Cobbs, AICP
Planner III
Land Use and Development Services

Letter to Applicant

Z 23-006

Division of Planning and Development

Cc: Melanie Jones, SR Consulting, LLC

File

**NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT
TO THE ZONING MAP OF THE CITY OF MEMPHIS**

Notice is hereby given that a Public Hearing will be held by the City Council of the City of Memphis in the Council Chambers, First Floor, City Hall, 125 North Main Street, Memphis, Tennessee 38103 on Tuesday, _____ at 3:30 P.M., in the matter of amending the Zoning Map of the City of Memphis, being Chapter 28, Article IV of the Code of Ordinances, City of Memphis, Tennessee, as amended, as follows:

- CASE NUMBER:** Z 23-006
- LOCATION:** Northwest corner of Airways Boulevard and East Person Avenue
- COUNCIL DISTRICTS:** District 4 and Super District 8 – Positions 1, 2, and 3
- OWNER/APPLICANT:** R & D Ventures, LLC and Sixteen Ninety Nine Airways/Haroon Haimed
- REPRESENTATIVE:** Cindy Reaves for SR Consulting, LLC
- REQUEST:** Rezoning of +/-0.873 acres from Commercial Mixed Use-1 (CMU-1) to Employment (EMP)

RECOMMENDATIONS:

Memphis and Shelby County Division of Planning and Development: *Approval*

Memphis and Shelby County Land Use Control Board: *Approval*

NOW, THEREFORE, you will take notice that on Tuesday, _____, at 3:30 P.M. the City Council of the City of Memphis, Tennessee will be in session at the City Hall, Council Chambers, 125 North Main Street, Memphis, Tennessee 38103 to hear remonstrance’s or protests against the making of such changes; such remonstrance’s or protests must be by personal appearances, or by attorneys, or by petition, and then and there you will be present if you wish to remonstrate or protest against the same.

This case will also be heard at the Planning and Zoning Committee on the same day with the specific time to be determined prior to the meeting date and posted on the City of Memphis’ website.

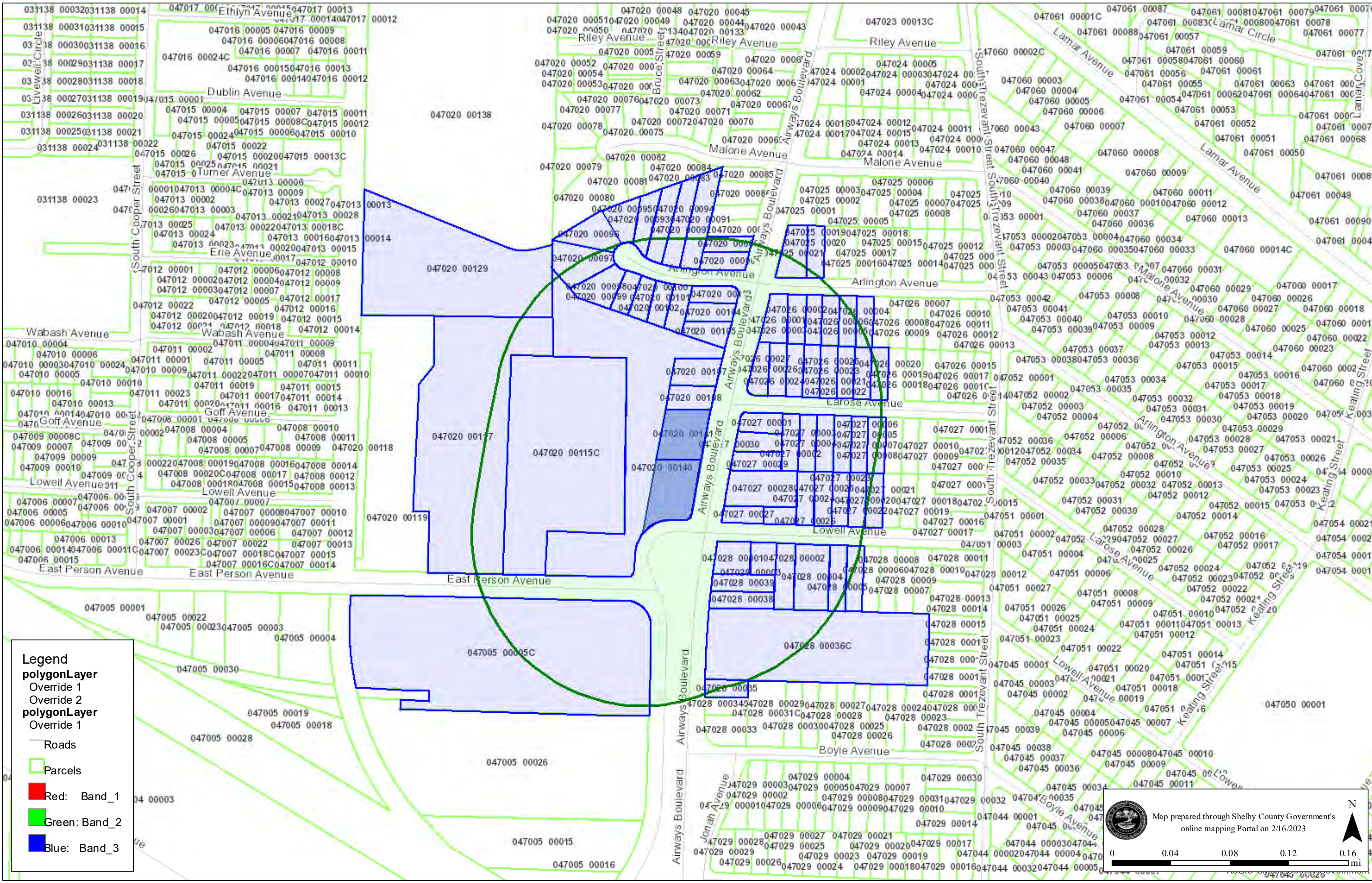
THIS THE _____, _____

MARTAVIOUS JONES
CHAIRMAN OF COUNCIL

ATTEST:

WALTER PERSON
CITY COMPTROLLER

TO BE PUBLISHED:



Legend

- polygonLayer
- Override 1
- Override 2
- polygonLayer
- Override 1
- Roads
- Parcels
- Red: Band_1
- Green: Band_2
- Blue: Band_3

Map prepared through Shelby County Government's online mapping Portal on 2/16/2023

N

0 0.04 0.08 0.12 0.16 0.20
 mi

SR Consulting Engineering
5909 Shelby Oaks Drive, Suite 200
Memphis TN 38134

Airways KHSa LLC
986 Hollis F Price St.
Memphis, TN 38126-5910

R & D Ventures LLC
5031 Anchor Cv.
Memphis, TN 38117-3404

STOL RENTALS LLC
137 HIDDEN ACRES DR #
LOGANTON PA 17747

STONE CHARLES AND BARBARA ADAIR (RS)
2308 LAROSE AVE #
MEMPHIS TN 38114

TATE RUTHIE
1670 AIRWAYS BLVD #
MEMPHIS TN 38115

WALKER GEORGE R
2231 ARLINGTON AVE #
MEMPHIS TN 38114

GIBSON KENNETH J & JEARL D
2312 LAROSE AVE #
MEMPHIS TN 38114

BOLDEN DONALD G
1678 AIRWAYS BLVD #
MEMPHIS TN 38114

DEAN LEARINZIA & ESTELLA
2237 ARLINGTON AVE #
MEMPHIS TN 38114

TATE DORIS
2318 LAROSE AVE #
MEMPHIS TN 38114

MENJIVAR MARIA
3099 KEMPER DR #
MEMPHIS TN 38115

HOYLE CAROLYN M
2241 ARLINGTON AVE #
MEMPHIS TN 38114

MALLORY LEE R
4577 HANCOCK DR #
MEMPHIS TN 38116

RUSSELL SAMUEL & SYLVIA
2294 LAROSE AVE #
MEMPHIS TN 38114

MCCRARY MARY E (LE) AND HAROLD MCCRARY A
2247 ARLINGTON AVE #
MEMPHIS TN 38114

HUERTA VICTOR S
1632 AIRWAYS BLVD #
MEMPHIS TN 38114

HAYES DORA P & DANESE F
502 W ARBUTUS ST #
COMPTON CA 90220

CURRY LAURA
1589 AIRWAYS BLVD #
MEMPHIS TN 38114

BEAUREGARD MURLENE
2325 LAROSE AVE #
MEMPHIS TN 38114

CRAWFORD BUREL & CAROL Y
2026 WILSON RD #
MEMPHIS TN 38116

PINSON RUTHIE M
1593 AIRWAYS BLVD #
MEMPHIS TN 38114

BOLDS CARRIE E
1640 AIRWAYS BLVD #
MEMPHIS TN 38114

FERRELL PAVING INC
2174 E PERSON AVE #
MEMPHIS TN 38114

EL-TAYECH MAHMOUD
4253 RHODES AVE #
MEMPHIS TN 38111

MCKINLEY RAY JR AND WILLIAMS LEONA
2308 LOWELL AVE #
MEMPHIS TN 38114

FIFER CARLOS
723 BRISTON LN
COLLIERVILLE TN 38017

MARSHALL TONYA M W
7469 MORGAN HOUSE DR #
MEMPHIS TN 38125

STALLINGS VINCENT T
2302 LOWELL AVE #
MEMPHIS TN 38114

BOONE EARNEST E
2238 ARLINGTON AVE #
MEMPHIS TN 38114

NEELY GERALD
PO BOX 34277 #
MEMPHIS TN 38184

GFM INVESTMENTS LLC
2130 PENDLETON ST #
MEMPHIS TN 38114

STREET WILLIAM A III AND CAROL E STREET
7938 US HIGHWAY 70 #
MEMPHIS TN 38133

HUDSON RICHARD E & FLOSSIE M
2296 ARLINGTON AVE #
MEMPHIS TN 38114

MORRIS BRIAN & ANDREA
2311 ARLINGTON #
MEMPHIS TN 38114

CLEAVES DEAN
2321 LAROSE AVE #
MEMPHIS TN 38114

WHITCOMB BLAKE
440 GAREDEN ST #
WEST SACRAMENTO CA 95691

HOOKS RONALD K JR
2317 ARLINGTON AVE #
MEMPHIS TN 38114

BOLDS CLARENCE L (ESTATE OF)
1640 AIRWAYS BLVD #
MEMPHIS TN 38114

GOODWIN CAROLYN M AND RONALD
1989 E PERSON AVE #
MEMPHIS TN 38114

JOHNSON RICHARD D
2196 E PERSON AVE #
MEMPHIS TN 38114

REFRESHING SPRINGS COMMUNITY DEV CORP
4935 ELVIS PRESLEY BLVD #
MEMPHIS TN 38116

MILES RON
1989 E PERSON AVE #
MEMPHIS TN 38114

SURGEON CORY J
3110 SEMINARY CV #
MEMPHIS TN 38116

HARVEY LASONYA AND ALTONIUS DAVIS
2312 LOWELL AVE #
MEMPHIS TN 38114

R AND D VENTURES LLC
5031 ANCHOR CV #
MEMPHIS TN 38117

PROFESSIONAL SPECIALTIES CO
PO BOX 140188 #
MEMPHIS TN 38114

PEARCE RICHARD
596 WARING RD #
MEMPHIS TN 38122

SMILE ROBERT L & INEZ AND SHEREE C HEROD
2253 ARLINGTON AVE #
MEMPHIS TN 38114

WILSON CORNELIUS & JOYCE M AND NICOLE
2328 LAROSE AVE #
MEMPHIS TN 38114

RKV REAL ESTATE LLC

STOKES BETTY A
2257 ARLINGTON AVE #
MEMPHIS TN 38114

FREEMAN MELODY
7727 DRISCOLL ST
MEMPHIS TN 38125

FIFER CARLOS
723 BRISTON LN #
COLLIERVILLE TN 38017

WINTON JIMMY AND CAROLYN W SHELL
8310 RAMBLING ROSE DR #
OOLTEWAH TN 37363

UPCHURCH BRANETTE M
1634 BONNIE DR #
MEMPHIS TN 38116

MASON PAMELA AND ZELA HAYSE AND
1658 AIRWAYS BLVD #
MEMPHIS TN 38114

NUNNALLY JAMES & IDA L
2301 ARLINGTON AVE #
MEMPHIS TN 38114

FREEMAN MELODY
7727 DRISCOLL ST
MEMPHIS TN 38125

HENDERSON LYJUANICA D
4620 CEDAR BRANCH CIR #
MEMPHIS TN 38128

CARPENTER ALONZA
6822 17TH ST S
SAINT PETERSBURG FL 33712

BOOKER JANET D
2317 LAROSE AVE #
MEMPHIS TN 38114

SENENSE TARYN
2293 LOWELL AVE #
MEMPHIS TN 38114

LEON FIDEL P
2301 LOWELL AVE #
MEMPHIS TN 38114

CARRUTHERS GRACIE
2307 LOWELL AVE #
MEMPHIS TN 38114

FOSTER REZELL (ESTATE OF) AND KAREN F
1628 CASTALIA #
MEMPHIS TN 38114

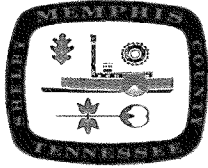
AIRWAYS PROPERTIES LLC
318 WINCHESTER RD #
MEMPHIS TN 38109

END TIME CHURCH (TRS)
4651 BARKLEY GLEN DR #
COLLIERVILLE TN 38017

SIXTEEN NINETY-NINE AIRWAYS WAREHOUSE
5160 SANDERLIN AVE #1
MEMPHIS TN 38117

SCOTT PARTECIOUS
3260 KIRBY PKWY #4
MEMPHIS TN 38115

SIXTEEN NINETY NINE AIRWAYS
5160 SANDERLIN #1
MEMPHIS TN 38117



RESOLUTION approving the Engineering plans for:
Legends Park Senior Building
and accepting Bond as security

WHEREAS, **Pennrose, LLC.**, is the Developer of a certain property in the present limits of the City of Memphis, as shown on the engineering plans, and located north of Delmar Ave, between Ayers Street and Decatur Street, in Memphis, Tennessee.

and

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

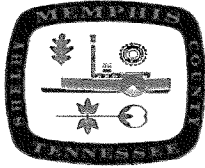
and

WHEREAS, attached hereto is a standard improvement contract entered into by and between **Pennrose, LLC.**, 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 **Legends Park Senior Building** are hereby approved.

BE IT FURTHER RESOLVED, that the proper official be and are hereby authorized to execute the attached standard improvement contract and accept **Liberty Mutual Insurance Company Performance Bond No. 016235267** in the amount of **\$145,300.00** as security for project



RESOLUTION approving the Engineering plans for:
Alliance Crisis Center for Wellbeing
and accepting Bond as security

WHEREAS, **Alliance Healthcare Services, Inc.**, is the Developer of a certain property within the present limits of the City of Memphis, located at 3195 Summer Ave., in Memphis, Tennessee.

and

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

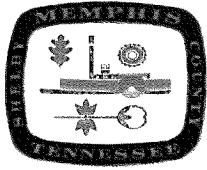
and

WHEREAS, attached hereto is a standard improvement contract entered into by and between **Alliance Healthcare Services, 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 **Alliance Crisis Center for Wellbeing** are hereby approved.

BE IT FURTHER RESOLVED, that the proper official be and are hereby authorized to execute the attached standard improvement contract and accept **Liberty Mutual Insurance Company Performance Bond No. 015220017** in the amount of **\$89,600.00** as security for project



RESOLUTION approving the Engineering plans for:
Lincoln Subdivision
and accepting Bond as security

WHEREAS, **The Works, Inc.**, is the Developer of a certain property in the present limits of the City of Memphis, as shown on the engineering plans, and located at 667 Richmond Avenue, in Memphis, Tennessee.

and

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

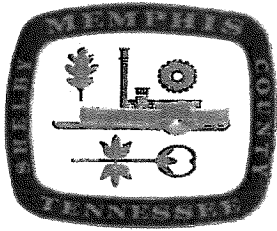
and

WHEREAS, attached hereto is a standard improvement contract entered into by and between **The Works, 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 **Lincoln Subdivision** are hereby approved.

BE IT FURTHER RESOLVED, that the proper official be and are hereby authorized to execute the attached standard improvement contract and accept **Patriot Bank, Letter of Credit No. 307006139** in the amount of **\$258,900.00**, in lieu of bond, as security for project



A Resolution to accept, allocate and appropriate additional grant funds in the amount of Two Hundred Eighty-Five Thousand Three Hundred Sixty-Four Dollars and Zero Cents (\$285,364.00) from the State of Tennessee, Office of the Secretary of State, Tennessee State Library and Archives.

WHEREAS, the City of Memphis, Division of Library Services, Memphis Public Libraries has received additional grant funds in the amount of from the State of Tennessee, Office of the Secretary of State, Tennessee State Library and Archives; and ^{285,364.00}

WHEREAS, these funds will be used to purchase supplies, books and collection materials; and

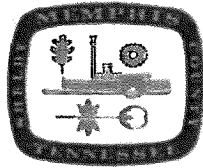
WHEREAS, it is necessary to amend the Fiscal Year 2023 Operating Budget to establish funds for the Supplies, Books and Collection Materials; and

WHEREAS, it is necessary to accept, allocate, and appropriate the grant funds in the amount of Two Hundred Eighty-Five Thousand Three Hundred Sixty-Four Dollars and Zero Cents (\$285,364.00) from the State of Tennessee, Office of the Secretary of State, Tennessee State Library and Archives for the Supplies, Books and Collection Materials Grant;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Supplies, Books and Collection Development Materials Grant funds in the amount of Two Hundred Eighty-Five Thousand Three Hundred Sixty-Four Dollars and Zero Cents (\$285,364.00) from the State of Tennessee, Office of the Secretary of State, Tennessee State Library and Archives to purchase supplies, books and collection materials be accepted by the City of Memphis;

BE IT FURTHER RESOLVED, that the Fiscal Year 2023 Operation Budget be and is hereby amended by allocating and appropriating the revenues and expenditures for the Supplies, Books and Collection Development Materials Grant funds in the amount of Two Hundred Eighty-Five Thousand Three Hundred Sixty-Four Dollars and Zero Cents (\$285,364.00) from the State of Tennessee, Office of the Secretary of State, Tennessee State Library and Archives; as follows:

<u>Revenue</u>		
State Funds	\$	285,364.00
<u>Expenditures</u>		
Supplies, Books and Collection Development Materials	\$	285,364.00



Memphis City Council Summary Sheet

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

A resolution to accept, allocate, and appropriate additional grant funds in the amount of \$285,364.00 from the State of Tennessee, Office of the Secretary of State, Tennessee State Library and Archives for the purpose of purchasing Library books and collection development materials.

2. Initiating Party (e.g. Public Works, at request of City Council, etc.)

Library Division

3. State whether this is a change to an existing ordinance or resolution, if applicable.

This resolution adds grant funds to an existing grant.

4. State whether this will impact specific council districts or super districts.

This resolution impacts all districts.

5. State whether this requires a new contract, or amends an existing contract, if applicable.

This action increases the original grant by \$285,364.00 bringing the FY23 total for this grant to \$715,864.

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

The FY23 budget will need amending.

7. If applicable, please list the MWBE goal and any additional information needed

N/A



JIM STRICKLAND
MAYOR

April 18, 2023

The Honorable Michalyn Easter-Thomas, Chairman
Personnel, Government Affairs, and Annexation Committee
City Hall - Room 514
Memphis, TN 38103

Dear Chairman Easter-Thomas:

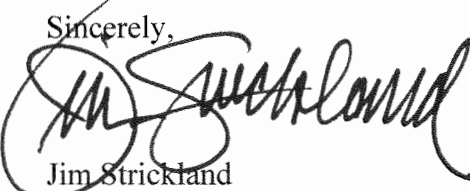
Subject to Council approval, I hereby recommend that:

Stephanie Cage

be appointed to the Memphis Public Library and Information Center Board of Trustees with a term expiration date of May 31, 2024.

I have attached biographical information.

Sincerely,



Jim Strickland
Mayor

JSS/sss

Cc: Council Members

**MEMPHIS PUBLIC LIBRARY AND
INFORMATION CENTER BOARD OF TRUSTEES
7 Member Board
2 Year Term**

Purpose:

The Memphis Public Library & Information Center Board may make and endorse rules and regulations. It may receive donations, devise and bequest to be used by it directly for library purposes. It shall recommend to the mayor of the city contracts for services and leases. It shall furnish to the state library agency such statistics and information as may be required. Also, it shall have the power to make and enforce rules providing penalties for loss of or injury to library property and shall at their discretion establish fees for special services.

Term ends:

Cami Fields	F/W	05-30-19
Vacancy	M/B	05-30-18
Beverly Jordan-Vann	F/B	05-30-21
E. Keenon McCloy	F/W	05-30-17
Vacancy	F/B	05-30-20
Vacancy	M/B	05-30-18
Vacancy	M/W	05-30-20

Updated 041723



JIM STRICKLAND
MAYOR

April 25, 2023

The Honorable Michalyn Easter-Thomas, Chairman
Personnel, Government Affairs, and Annexation Committee
City Hall - Room 514
Memphis, TN 38103

Dear Chairman Easter-Thomas:

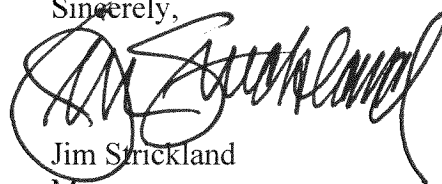
Subject to Council approval, I hereby recommend that:

Stephanie S. Ivey, Ph.D.

be appointed to the Memphis Public Library and Information Center Board of Trustees with a term expiration date of May 31, 2024.

I have attached biographical information.

Sincerely,



Jim Strickland
Mayor

JSS/sss

Cc: Council Members

PUBLIC ART OVERSIGHT COMMITTEE

7 Member Board

2 Year Term

(3) City Appointments

(2) Urban Art Committee Appointments

(1) Urban Art Executive Director or designee and

(1) City Councilperson

The purpose of the Public Art Program is to provide a dedicated funding source for art enhancements to be implemented in selected city capital improvement projects constructed by the City or with City funds, and to provide, through the Urban Art Commission Public Art Oversight Committee.

		Term ends:
Vacancy	F/W	08-31-22
Vacancy	F/B	08-31-20
Yvonne Jones	F/B	08-31-24

Urban Art Commission Appointees

Fogelman, Robert, Chairperson

Edwards, Elizabeth I.

Perkins, Beverly

2023 Council Liaison: JB Smiley, Jr.

City of Memphis



TENNESSEE

JIM STRICKLAND
MAYOR

April 18, 2023

The Honorable Michalyn Easter-Thomas, Chairman
Personnel, Government Affairs, and Annexation Committee
City Hall - Room 514
Memphis, TN 38103

Dear Chairman Easter-Thomas:

Subject to Council approval, I hereby recommend that:

Lonnie Robinson

be appointed to the Memphis Public Library and Information Center Board of Trustees with a term expiration date of May 30, 2024.

I have attached biographical information.

Sincerely,

Jim Strickland
Mayor

JSS/sss

Cc: Council Members

**MEMPHIS PUBLIC LIBRARY AND
INFORMATION CENTER BOARD OF TRUSTEES
7 Member Board
2 Year Term**

Purpose:

The Memphis Public Library & Information Center Board may make and endorse rules and regulations. It may receive donations, devise and bequest to be used by it directly for library purposes. It shall recommend to the mayor of the city contracts for services and leases. It shall furnish to the state library agency such statistics and information as may be required. Also, it shall have the power to make and enforce rules providing penalties for loss of or injury to library property and shall at their discretion establish fees for special services.

Term ends:

Cami Fields	F/W	05-30-19
Vacancy	M/B	05-30-18
Beverly Jordan-Vann	F/B	05-30-21
E. Keenon McCloy	F/W	05-30-17
Vacancy	F/B	05-30-20
Vacancy	M/B	05-30-18
Vacancy	M/W	05-30-20

Updated 041723



JIM STRICKLAND
MAYOR

April 25, 2023

The Honorable Michalyn Easter-Thomas, Chairman
Personnel, Government Affairs, and Annexation Committee
City Hall - Room 514
Memphis, TN 38103

Dear Chairman Easter-Thomas:

Subject to Council approval, I hereby recommend that:

Beverly Jordan-Vann

be reappointed to the Memphis Public Library and Information Center Board of Trustees with a term expiration date of May 30, 2025.

I have attached biographical information.

Sincerely,

Jim Strickland
Mayor

JSS/sss

Cc: Council Members

**MEMPHIS PUBLIC LIBRARY AND
INFORMATION CENTER BOARD OF TRUSTEES
7 Member Board
2 Year Term**

Purpose:

The Memphis Public Library & Information Center Board may make and endorse rules and regulations. It may receive donations, devise and bequest to be used by it directly for library purposes. It shall recommend to the mayor of the city contracts for services and leases. It shall furnish to the state library agency such statistics and information as may be required. Also, it shall have the power to make and enforce rules providing penalties for loss of or injury to library property and shall at their discretion establish fees for special services.

Term ends:

Cami Fields	F/W	05-30-19
Vacancy	M/B	05-30-18
Beverly Jordan-Vann	F/B	05-30-21
E. Keenon McCloy	F/W	05-30-17
Vacancy	F/B	05-30-20
Vacancy	M/B	05-30-18
Vacancy	M/W	05-30-20

Updated 041723

**Memphis Area Transit Authority
From January 2021 to Date**

Member	Total Meetings	Attended
Keenon McCloy	0	*
Beverly Jordan-Vann	0	*
Cami Fields	0	*

*There have been no scheduled meetings since the beginning of the COVID-19 pandemic in 2020.



JIM STRICKLAND
MAYOR

April 25, 2023

The Honorable Michalyn Easter-Thomas, Chairman
Personnel, Government Affairs, and Annexation Committee
City Hall - Room 514
Memphis, TN 38103

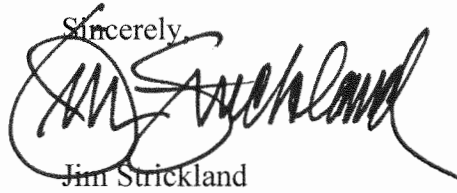
Dear Chairman Easter-Thomas:

Subject to Council approval, I hereby recommend that:

Keenon McCloy

be reappointed to the Memphis Public Library and Information Center Board of Trustees with a term expiration date of May 30, 2025.

I have attached biographical information.

Sincerely,

Jim Strickland
Mayor

JSS/sss

Cc: Council Members

**MEMPHIS PUBLIC LIBRARY AND
INFORMATION CENTER BOARD OF TRUSTEES
7 Member Board
2 Year Term**

Purpose:

The Memphis Public Library & Information Center Board may make and endorse rules and regulations. It may receive donations, devise and bequest to be used by it directly for library purposes. It shall recommend to the mayor of the city contracts for services and leases. It shall furnish to the state library agency such statistics and information as may be required. Also, it shall have the power to make and enforce rules providing penalties for loss of or injury to library property and shall at their discretion establish fees for special services.

Term ends:

Cami Fields	F/W	05-30-19
Vacancy	M/B	05-30-18
Beverly Jordan-Vann	F/B	05-30-21
E. Keenon McCloy	F/W	05-30-17
Vacancy	F/B	05-30-20
Vacancy	M/B	05-30-18
Vacancy	M/W	05-30-20

Updated 041723

**Memphis Area Transit Authority
From January 2021 to Date**

Member	Total Meetings	Attended
Keenon McCloy	0	*
Beverly Jordan-Vann	0	*
Cami Fields	0	*

*There have been no scheduled meetings since the beginning of the COVID-19 pandemic in 2020.



JIM STRICKLAND
MAYOR

April 18, 2023

The Honorable Michalyn Easter-Thomas, Chairman
Personnel, Government Affairs, and Annexation Committee
City Hall - Room 514
Memphis, TN 38103

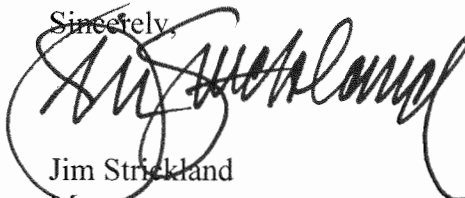
Dear Chairman Easter-Thomas:

Subject to Council approval, I hereby recommend that:

Cami Fields

be reappointed to the Memphis Public Library and Information Center Board of Trustees with a term expiration date of May 30, 2025.

I have attached biographical information.

Sincerely,

Jim Strickland
Mayor

JSS/sss

Cc: Council Members

**MEMPHIS PUBLIC LIBRARY AND
INFORMATION CENTER BOARD OF TRUSTEES
7 Member Board
2 Year Term**

Purpose:

The Memphis Public Library & Information Center Board may make and endorse rules and regulations. It may receive donations, devise and bequest to be used by it directly for library purposes. It shall recommend to the mayor of the city contracts for services and leases. It shall furnish to the state library agency such statistics and information as may be required. Also, it shall have the power to make and enforce rules providing penalties for loss of or injury to library property and shall at their discretion establish fees for special services.

Term ends:

Cami Fields	F/W	05-30-19
Vacancy	M/B	05-30-18
Beverly Jordan-Vann	F/B	05-30-21
E. Keenon McCloy	F/W	05-30-17
Vacancy	F/B	05-30-20
Vacancy	M/B	05-30-18
Vacancy	M/W	05-30-20

Updated 041723

**Memphis Area Transit Authority
From January 2021 to Date**

Member	Total Meetings	Attended
Keenon McCloy	0	*
Beverly Jordan-Vann	0	*
Cami Fields	0	*

*There have been no scheduled meetings since the beginning of the COVID-19 pandemic in 2020.



JIM STRICKLAND
MAYOR

April 18, 2023

The Honorable Michalyn Easter-Thomas, Chairman
Personnel, Government Affairs, and Annexation Committee
City Hall - Room 514
Memphis, TN 38103

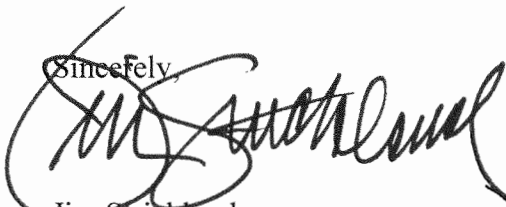
Dear Chairman Easter-Thomas:

Subject to Council approval, I hereby recommend that:

Kenneth Moody

be appointed to the Memphis & Shelby Co Sports Authority with a term expiration date of September 30, 2028.

I have attached biographical information.

Sincerely,

Jim Strickland
Mayor

JSS/sss

Cc: Council Members

MEMPHIS & SHELBY COUNTY SPORTS AUTHORITY BOARD
11 Member Board
(5) City & (5) County & (1) Joint
6 Year Term

Purpose:

Develop a master plan for sports for Memphis and Shelby County and to serve as the vehicle to accept the state sales tax rebate for professional sports.

Members (City):

		Term ends:
Charles Ewing	MB	09-30-25
Douglas, Rodney	M/B	01-21-27
Chris Hearn	M/B	01-21-27
Vacancy	F/W	09-30-22
Kyle Veazey	M/W	01-21-23

Joint Appointment

Alan Crone	M/W	12-04-26
------------	------------	-----------------

Updated 040723



City Council Item Routing Sheet

Division Police Services Committee PS Hearing Date April 2023

District _____ Super District _____

- Ordinance
- Resolution
- Grant Acceptance
- Budget Amendment
- Commendation
- Other:

Item Description:

Recommended Council Action:
Council Approval

Status of MWBE planned expenditures funding, if applicable:
N/A

Describe previous action taken by any other entity (i.e. board, commission, task force, council committee, etc.) and date of any action taken:

<p>Does this item require city expenditure? No</p> <p>\$ Amount <u>\$0</u></p> <p>\$ Revenue to be received _____</p>	<p>Source and Amount of Funds</p> <p>\$ Operating Budget</p> <p>\$ CIP Project</p> <p>\$ Federal/State/Other</p>
--	---

Approvals

Director _____ Date _____ Budget

Financial Officer _____ Date _____ Dept _____ Date _____

Legal Officer _____ Date _____

Chief Operating Officer
_____ Date _____

Council Committee Chair
_____ Date _____



1. Description of the Item (Resolution, Ordinance, etc.)
2. Initiating Party (e.g. Public Works, at request of City Council, etc.)
3. State whether this is a change to an existing ordinance or resolution, if applicable.
4. State whether this will impact specific council districts or super districts.
5. State whether this requires a new contract, or amends an existing contract, if applicable.
ther.
6. If applicable, please list the MWBE goal and any additional information needed
N/A



Ordinance to amend the Code of Ordinances of Memphis, Tennessee, Chapter 41 Wreckers or Towing Operators, to allow impounded vehicles to be stored on private storage lots

WHEREAS, the Vehicle Impound Storage Lot was acquired at 465 Klinke Avenue. The 12-acre lot was originally designed to store 1,800 vehicles; and

WHEREAS, according to the end of the 2022 impound lot records, the vehicle impound lot currently 2,993 vehicles; and

WHEREAS, according to impound lot records, the vehicle impound lot intakes more than 1000 vehicles; and

WHEREAS, the severe overcrowding at the vehicle impound lot has caused typography (structural and drainage) issues, and operational inefficiencies; and

WHEREAS, there are multiple adjudicative factors that impact the immediate release of vehicles, thus further exacerbating the current vehicle retention at the lot; and

WHEREAS, the revisions to the ordinance will enhance the efficiency of intake and release process; and

NOW, THEREFORE,

Section 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that

Section 41-8. Stolen Vehicles/City Impound or Wrecker Storage Lot

When stolen vehicles are impounded by the Memphis Police Department and stored by the city on a wrecker company's storage lot or a municipally owned storage lot, the owner will be liable for the tow fees but will not be liable for storage fees if he reclaims his vehicle within five days after notification of the recovery and whereabouts of the vehicle. If the owner does not pick up the vehicle from the municipally owned lot within five days after notification of the recovery and whereabouts of the vehicle, the owner will be liable for all storage costs from the time the vehicle was first placed on the storage lot.

Section 41-11 (n)

If the owner or operator of a vehicle is not available and a wrecker has been summoned by a police officer as a result of because of a parking violation, an abandoned vehicle or is subject to towing pursuant to Code Enforcement, then the vehicle shall be towed to the wrecker company's storage lot or transported to the city impound lot.

Section 41-11 (h)

A towed vehicle shall not be stored more than a reasonable walking distance from the area where the towing and storage fee payments are received, however, this section shall not apply in instances where vehicle owners can pay online.

Section 41-26 (a)

Storage. No wrecker company shall hereafter be eligible to obtain a permit as a wrecker operator unless such operator shall have facilities for storage at the place from which its wreckers are to be operated sufficient for the storing of not less than 100 disabled motor vehicles.

Section 41-7 (b)

The storage of a vehicle by a wrecker operator on any municipally operated vehicle storage or impound lot shall be \$30.00 for each 24-hour period, or fraction thereof, after the first two hours of impoundment. All vehicles shall be towed to the city impound lot except vehicles that have been damaged in an accident and cannot be safely driven. Such vehicles shall be removed from the scene of the accident by a wrecker service owner or operator and towed to such wrecker owner or operator's private wrecker lot, provided that, such wrecker owner or operator has not been notified by the Memphis Police Department that the vehicle is needed for evidentiary or investigative purposes.

Sponsored by
Administration

Chairman
Martavius Jones

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF MEMPHIS, TENNESSEE, CHAPTER 6, TO DEFINE ENTERTAINMENT TRANSPORTATION VEHICLES, AND TO PROVIDE FOR THE LICENSING AND REGULATION OF THE SAME

WHEREAS, in recent years a new type of transportation business has emerged in various cities within the United States in which the passengers hire a motor vehicle not only as a means of transportation but also for some entertainment or social purpose; and

WHEREAS, the General Assembly of the State of Tennessee did in its recent session amend Tennessee Code Annotated, Section 7-51-1007, to recognize Entertainment Transportation Vehicles as a category separate from other types of vehicles already included in said law, and to allow municipalities within Tennessee to regulate the operation of Entertainment Transportation Vehicles; and

WHEREAS, in other cities in which such vehicles operate, governments have encountered various problems caused by the vehicles in the area of public safety and welfare, including accidents resulting in damage and injury, the commission of crimes related to operation of the vehicles, and complaints from businesses and citizens about noise and offensive behavior by patrons; and

WHEREAS, the Memphis City Council deems it necessary for the health, safety, and welfare of citizens to amend the code of ordinances to regulate the operation of entertainment vehicles in the City of Memphis.

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

Article 1. Definitions.

For purposes of this chapter:

"Certificate" means a certificate of public convenience and necessity, a license granted, upon application and approval, by the Memphis Transportation Commission (MTC) for the sole purpose of authorizing the certificate holder to provide entertainment transportation through an entertainment transportation vehicle.

"Certificate holder" means a person, company, corporation or association which has applied for, and been granted, a certificate of public necessity and convenience.

"Customer" means any person on an entertainment transportation vehicle other than the driver or other employee of the entertainment transportation business, who has paid money for the services of the business or is attached to a party that has done so.

"Driver" means any individual who physically operates an entertainment transportation vehicle as a for-hire vehicle under this chapter. This person may share additional, company-related titles, such as owner, employee of the owner, holder or independent contractor.

"Driver permit" means a permit issued by the MTC to drive and operate an entertainment transportation vehicle.

"Enclosed vehicle" means any motor vehicle that is fully enclosed by metal, plexiglass or glass on all sides and on the top/roof. Any vehicle not meeting this definition would constitute an "unenclosed vehicle." A vehicle is unenclosed if any portion of it lacks solid sides and a roof, including all appurtenances attached thereto, including, but not limited to, a pickup truck or a

wagon or trailer pulled by a tractor, within which passengers are capable of standing and circulating while the vehicle is in motion. For purposes of this section, a vehicle "side" must be a full side enclosure of the vehicle and cannot consist of solely a guard rail or railing. It may contain windows capable of being opened, but all windows shall be fully raised while the vehicle is in operation and any passenger is in possession of an open container. Enclosed vehicles shall maintain any required emergency access or exits but the emergency access or exits may not be used to avoid the safety goals intended by the enclosure.

"Entertainment transportation vehicle" means any motor vehicle that is designed or constructed to accommodate and transport more than one passenger for hire, the principal operation of which is confined to the area within the Memphis City Limits, whether it is operated on a fixed route or schedule, and where the passengers hire the motor vehicle not only as a means of transportation but also for some entertainment or social purpose. "Entertainment transportation" includes, but is not limited to, trucks, buses, and wagons/trailers pulled by a motor vehicle. "Entertainment transportation" does not include a limousine, sedan, shuttle, taxicab, horse-drawn carriages, or electric-assist pedal carriage.

"Entertainment transportation vehicle permit" means a permit issued by the MTC for an entertainment transportation vehicle to carry passengers.

"Entertainment transportation vehicle driver's permit" means a permit issued by the MTC for a person to operate an entertainment transportation vehicle to carry passengers.

"For hire" means a transaction whereby any money, thing of value, charge tickets, surcharge, payment, pecuniary consideration or compensation, reward, donation, tip, or any other remuneration or profit is paid to, accepted by, or received by a driver, employee, agent, owner, or any other representative of an entertainment transportation vehicle in exchange for the temporary

use by or for the transportation of a passenger, whether such is paid voluntarily or upon solicitation, demand, request, contract, agreement, or as a surcharge; or otherwise in conjunction with the purchase of any other services wherein the entertainment transportation is part of the services provided.

"Holder" means a person to whom a certificate of public convenience and necessity has been issued by the commission.

"Inspector(s)" means the inspector(s) for the commission.

"Memphis Transportation Commission," also referred to as "MTC" or "the commission," means the Memphis Transportation Commission as established by the City of Memphis Code of Ordinances, Chapter 39.

"MTC Director" means the Executive Secretary of the MTC, as employed by the City of Memphis on behalf of the MTC.

"Owner" means the person who holds the legal title of the entertainment transportation vehicle.

"Passenger" means any person on an entertainment transportation vehicle other than the driver.

"Person" means any individual, partnership, corporation, association or public or private organization of any character. "Permittee" means a holder of any permit issued under this chapter.

"Solicit" means the distribution of flyers or other material, or an appeal by bell, horn, whistle, words, or gestures by a driver or his or her agent directed at individuals or groups for the purpose of attracting passengers for immediate hire.

"Taxicab" means a motor vehicle regularly engaged in the business of carrying passengers for hire, donation, gratuity or any other form of remuneration, having a seating capacity of less than nine persons and not operated on a fixed route.

Article 2. Certificate of Public Convenience and Necessity

Section 1. Required and term.

A. No entertainment transportation vehicle shall be used or operated on a for hire basis by any person in the territorial jurisdiction of the Memphis City government without an owner or operator having first obtained a certificate of public convenience and necessity. Each certificate shall be valid for one year and shall be subject to renewal pursuant to the provisions set forth in this article. Applications will be reviewed and considered as they come in to the MTC.

B. It shall be unlawful for any person to transport or offer to transport passengers in any entertainment transportation vehicle which does not have affixed to the entertainment transportation vehicle a valid permit issued through the MTC.

C. Certificates shall not be transferred, sold or given from one owner to another, including the sale of one entertainment transportation vehicle company in its entirety to another, without approval of the MTC upon the filing of an application for such transfer.

D. The MTC shall track all certificates, and after the renewal period, if the certificate has not been renewed it shall be determined to be void.

Section 2. Findings - Issuance of certificate or additional permits.

A. If the MTC finds that further or additional entertainment transportation vehicle service within the Memphis City Limits is required by the public convenience and necessity and that the applicant is fit, willing, and able to provide such service and to conform to the provisions of this chapter and the rules promulgated by the MTC, the MTC may issue a certificate of public convenience and necessity, stating the name and address of the applicant, the number of vehicles authorized upon such certificate and the date of issuance.

B. In making the above findings, the MTC shall, at a minimum, take into consideration the number of entertainment transportation vehicles already in operation, whether existing service is adequate to meet the public need; the character, experience, financial condition and responsibility of the applicant, and such criteria as may be adopted by the MTC in its rules.

Section 3. Application - Information and fees required.

A. An application for a certificate of public convenience and necessity shall be filed with the MTC for each classification of service to be provided. Forms will be provided by the MTC and payment of a nonrefundable fee will be charged. The amount of the application fee shall be established by the MTC based the cost of processing the application.

B. The application shall require the following information:

1. Name and address of applicant;

a. Sole-proprietor: Name and address of the owner.

b. Partnership: Names and addresses of all partners.

c. Corporation or association: Names and addresses of all the officers, directors, and members.

2. Business name (d/b/a), business address and telephone number if different from above;
3. A background check of each person;
4. Proof of U.S. citizenship or legal residency;
5. Names and addresses of two references as to the applicant's financial responsibility;
6. Prior experience of applicant in transport of passengers;
7. Number of vehicle permits requested, and copy of proof of ownership or other evidence of lawful control for each vehicle to be operated under the certificate;
8. Procedures for training drivers;
9. Rules and regulations governing driver appearance and conduct;
10. Disclosure of prior state law or City of Memphis Code of Ordinances violations pertaining to noise from motor vehicles, lewd conduct as part of a commercial business, or alcoholic beverage open container laws;
11. Any additional information the applicant desires to include to aid in the determination of whether the requested certificate should be issued;
12. Such further information as the MTC may require.

C. An applicant will be ineligible for consideration if:

1. Any of the owners, partners, officers, directors, or members are under twenty-one years of age and/or the entertainment transportation vehicle business has no separate legal existence beyond a shareholder, owner, or partner who is under the age of twenty-one years of age;
3. Any of the owners, partners, officers, directors, or members has violated any portion of this chapter of the City of Memphis Code of Ordinances within five years immediately preceding the date of application.

4. Any portion of the application is incomplete or contains incorrect or untruthful information.

D. An applicant will be ineligible for consideration for a one-year period if any owner, partner, officer, director, or member has been found guilty by a court of competent jurisdiction of violating state law or City of Memphis Code provisions three or more times within the past three hundred sixty-five days pertaining to noise from motor vehicles and/ or lewd conduct as part of a commercial business.

Section 4. Issuance and Denial – Fees.

A. If the MTC or the MTC director determines that further entertainment transportation vehicle services are required and the applicant is qualified, the MTC or MTC director may issue a certificate.

B. The MTC shall adopt the criteria for determining the necessity for additional entertainment transportation vehicle certificates.

C. Any person whose application for a certificate is denied by the MTC director may file a written appeal with the MTC within thirty days of denial and request an appearance before the MTC and appear in-person for consideration of the certificate application.

D. The certificate shall state the name, business address and telephone number of the applicant and the date of expiration.

E. The MTC will set a fee to be charged for the issuance of each approved entertainment transportation vehicle permit associated with the certificate.

Section 5. Annual renewal.

A. All certificates issued under the provisions of this chapter shall expire on April 30 of the year following the date on which the certificate was issued. All certificates may be renewed by the MTC director for each successive year between April 1 and 30 of each year. A renewal fee for each approved certificate and other licensing fees shall be charged at the annual renewal of the certificate.

B. All applicants for renewal must be current with all assessments and taxes due to the City of Memphis.

C. If a licensed entertainment transportation vehicle company or individual fails to renew prior to the end of the renewal period, the renewal applicant shall be treated as a new applicant.

Section 6. Insurance required.

A. Before any certificate shall be issued by the commission director, or before the renewal of such certificate shall be granted, the applicant or association shall be required to file an insurance policy and/or certificate of insurance with the MTC director evidencing insurance coverage as required in this section.

B. Insurance coverage as provided in subsection (A) of this section means a policy of public liability insurance issued by an insurance company qualified to do business in the state and naming the City of Memphis as an additional insured. Any policy of public liability insurance issued in compliance with this article shall be for a term of not less than one year, and for any entertainment transportation vehicle insured thereunder shall afford protection to any third party sustaining injury or damage as a result of the negligent operation of any entertainment

transportation vehicle, with the minimum amount of insurance to be one million dollars, known as combined single limit insurance coverage. Such policy shall expressly provide that it may not be canceled, except after thirty days written notice to the commission director.

C. Such certificate will certify that the policy provides for a minimum of one million dollars per entertainment transportation vehicle for liability imposed by law for damages on account of bodily injuries, death or personal damages, other than injuries, death or property damages of the company or driver, in any one accident resulting from the ownership, maintenance or use of such entertainment transportation vehicle. The certificate of insurance shall also list the serial number or identification number of each entertainment transportation vehicle that is insured.

D. The operation of any entertainment transportation vehicle within the Memphis City Limits without having in force the public liability insurance policy as outlined in this section is hereby declared to be a violation of this article, subjecting the owner and/or certificate holder to all applicable penalties provided in this article and this chapter.

E. Any changes in insurance must be reported to the commission immediately.

Section 7. Request for additional vehicle permits.

An application for additional entertainment transportation vehicle permits under the certificate issued pursuant to this article must be filed with the MTC director. If approved, the established permit fee will be applied.

Section 8. Suspension and revocation.

A. A certificate issued under the provisions of this chapter may be revoked, suspended, placed on probation, otherwise restricted, or not renewed by the MTC if the holder thereof has:

1. Violated any of the provisions of this chapter or failed to comply with any rule or regulation established by the MTC;

2. Violated any provision of this code or other ordinances of the City of Memphis or laws of the United States or the State of Tennessee, the violation of which reflects unfavorably on the fitness of the holder to offer transportation services, including but not limited to, violations for excessive noise;

3. Failed to pay assessments or taxes due to the City of Memphis; or

4. Made a misrepresentation or false statement when obtaining a certificate or additional permits, or transferring a certificate.

B. Prior to any action to revoke, suspend, place on probation, otherwise restrict, or not renew a certificate, the holder shall be given notice to the address listed on their certificate of the proposed action to be taken and shall have an opportunity to be heard by the MTC.

C. If the holder commits an act in violation of the criminal laws of the United States of America or state of Tennessee Code and the MTC director determines that holder poses a threat to the public safety, the MTC director may enact an emergency suspension of the holder's certificate to remain in effect until the holder has the opportunity to be heard by the MTC at the next available meeting, but in no circumstance later than sixty days from the date of the emergency suspension.

Article 3. Vehicle and Driver Permits

Section 1. Permit required- Violations and term.

A. No person shall drive or otherwise operate an entertainment transportation vehicle engaged in the transportation of passengers unless he or she has a driver's permit and a currently effective Tennessee commercial driver's license. To qualify for a permit, an applicant must comply with all of the requirements and stipulations of this chapter and any rules and regulations adopted by the MTC.

B. A person commits an offense if he or she operates an entertainment transportation vehicle in the Memphis City Limits without a driver's permit issued by the MTC.

C. A business commits an offense if it employs or otherwise allows a person to operate an entertainment transportation vehicle owned, controlled, or operated by the permittee unless the person has a driver's permit issued by the MTC.

D. Each permit shall be valid for one year and shall be subject to renewal pursuant to the provisions set forth in this article.

Section 2. Application-Information and fees required.

A. An application for an entertainment transportation vehicle driver's permit shall be filed with the MTC on forms provided by the MTC.

B. Such application shall be certified under oath and shall at a minimum contain the following information:

1. The name, residential address, telephone number and date of birth of the applicant.

No applicant under eighteen years of age will be accepted.

2. The type(s) of vehicle(s) which the applicant will drive under the certificate.
3. The years of experience of the applicant in the transportation industry.
4. A concise history of the applicant's employment.

C. The applicant shall provide copies of the following documents in order to submit his application:

1. A valid driver's license issued by one of the fifty states within the United States of America for the issuance or renewal of an entertainment transportation vehicle driver's permit corresponding with the type/classification of entertainment transportation vehicle to be operated (i.e., commercial driver license, for-hire endorsement, etc.).

2. A Social Security card or birth certificate.

3. If a resident alien, a current work permit or other valid United States Immigration and Customs Enforcement document.

4. A copy of a currently effective Tennessee commercial driver's license.

D. Each application shall be accompanied by an official driver record obtained no longer than thirty days previous to the date of application. All applicants are required to meet the following standards:

1. No convictions in the last five years for any of the following offenses involving bodily injury or death and no convictions in the last three years for any of the following offenses not involving injury or death:

- a. Hit and run;
- b. Driving under the influence of an alcoholic beverage or drug;
- c. Reckless or careless driving.

2. For an initial permit, no more than three moving violations within the last three years and no more than two moving violations in the last year.

3. For a renewal permit, no more than four moving violations within the last three years and no more than two moving violations in the last year.

Section 3. Fingerprint-based criminal background investigation.

A. All applicants for an entertainment transportation vehicle driver's permit must undergo a fingerprint-based identification and background check. The MTC staff shall collect background check fees from applicants and schedule them for fingerprinting. A background check report and a copy of the driving record (MVR) of the applicant, if any, shall be attached to the application and forwarded for consideration by the MTC.

B. Any applicant shall, in addition to any disqualifications listed elsewhere in this chapter, be disqualified if the applicant:

1. Has been convicted, pleaded guilty, placed on probation or parole, pleaded nolo contendere, or been released from incarceration within a period of five years prior to the date of application for violation of any of the following criminal offenses under the laws of Tennessee, any other state or of the United States:

- Homicide,
- Rape,
- Aggravated assault,
- Kidnapping,
- Robbery,
- Felony theft,

- Burglary,
- Child sexual abuse,
- Domestic violence,
- Any sex-related offense,
- Leaving the scene of an accident,
- Criminal solicitation, or criminal attempt to commit any of above,
- Perjury or false swearing in making any statement under oath in connection with the application for a driver's permit, or
- The felony possession, sale or distribution of narcotic drugs or controlled substances.

2. If, at the time of application, the applicant is charged with any offenses in subsection (1) of this section, consideration of the application shall be deferred until the applicant's entry of a plea, conviction, acquittal, dismissal, or other final disposition of the charges.

3. Has been convicted of or released from incarceration due to two or more felony offenses within the past seven years.

4. Has been convicted for a period of two years prior to the date of application of the violation of two or more sections of this Code or other ordinances governing the operation of entertainment transportation vehicles.

If the applicant fails to disclose any criminal conviction, except traffic citations, on the application for a permit, the application may be referred to the MTC for consideration.

Section 4. Application - Approval or disapproval.

The MTC or its staff shall, upon the consideration of the application and any reports and certificates required to be attached thereto, approve or reject the application. Any applicant rejected

by the MTC staff may file an appeal within thirty days of denial and request an appearance before the MTC. The appeal shall be heard by the MTC at the next available MTC meeting with the appellant appearing in-person for consideration of the application.

Section 5. Issuance - Permit contents and display.

A. Upon approval of an application for an entertainment transportation vehicle driver's permit, the MTC director shall issue a permit to the applicant, which shall bear the name, driver's permit number, height, date of birth, photograph of the applicant, and other information deemed appropriate.

B. Every driver shall at all times conspicuously display a permit either on the clothing of the driver's upper body or within the entertainment transportation vehicle. A driver shall allow the MTC director, MTC inspector, or a police officer to examine the permit upon request.

Section 6. Unpermitted drivers.

A. If any person is found operating any entertainment transportation vehicle within the Memphis City Limits without a valid entertainment transportation vehicle driver's permit on behalf of any holder of a certificate of necessity and public convenience, the MTC director may immediately take action to suspend or revoke the certificate.

B. A person whose entertainment transportation vehicle driver's permit is suspended shall not drive an entertainment transportation vehicle within the Memphis City Limits during the period of suspension.

Section 7. New application after denial.

Upon denial of an application for a driver's permit, no new application shall be considered for a period of three months.

Section 8. Expiration - Issuance and replacement fee.

A. Each entertainment transportation vehicle driver's permit shall be issued for a period of one year.

B. A permit may be issued to qualified applicants upon the payment of a fee established by the MTC plus the costs of investigation. If the permit for the preceding year has been revoked, no new permit shall be issued without prior MTC approval. A fee established by the MTC shall be charged for all replacement driver permits. Such fees shall be in addition to the cost of any investigation.

Section 9. Suspension, revocation, and appeal.

A. The MTC director may suspend or revoke any applicant's certificate if the director determines that the applicant fails to comply with any requirement of this chapter. The director shall notify the applicant of any specific failure to comply with this chapter resulting in the suspension or revocation of their certificate and the applicant's right to an appeal by first class mail, express mail, overnight carrier, or personal service. If the MTC director suspends or revokes a certificate, the applicant may appeal within ten days of such suspension or revocation to the MTC for a hearing to determine if such suspension or revocation is justified. The decision of the MTC shall be final, subject to any appropriate judicial review.

B. The MTC director is hereby given authority to suspend any entertainment transportation vehicle driver's permit issued under this article for a driver's failure or refusal to comply with the provisions of this article. Such suspensions may not last for a period of more than thirty days. The MTC director is also given authority to revoke any permit for failure to comply with the provisions of this article.

C. If a driver is charged in any court with a misdemeanor involving moral turpitude, or with any felony, or with driving while intoxicated or under the influence of drugs, or with violations of this article, the MTC director is hereby given authority to suspend the driver's permit pending final disposition of the charges against them, and to revoke such permit upon conviction thereof.

D. The MTC director may revoke an entertainment transportation vehicle driver's permit if the director determines that the permittee has engaged in conduct detrimental to the public safety.

E. The MTC director may not suspend or revoke any permit unless the driver has received notice of the charges against them and has had the opportunity to present evidence on their behalf.

F. Any permittee whose license has been suspended or revoked by the MTC director may file a written appeal with the MTC within ten days. If an appeal is not made to the MTC within ten days of the MTC director's decision, the MTC director's decision shall be final. A letter addressed to the MTC and delivered to the MTC office stating that an appeal from the decision of the MTC director is desired shall perfect such appeal. The MTC, as soon as practicable after receiving such notice of appeal, shall notify the applicant or permittee of the date and time of the hearing which shall be not less than five days after the mailing of such notice. After the hearing of the appeal, the MTC shall sustain, modify or reverse the findings of the MTC director, and shall

notify the MTC director and the applicant or permittee of its findings. The findings of the MTC shall be final, subject to any applicable legal processes.

G. A driver whose permit is revoked may not reapply for ninety days from the date of revocation and will be treated as a new applicant.

Section 10. Revocation of a valid driver's license.

An entertainment transportation vehicle driver's permit issued under this chapter shall be coterminous with the permittee's valid driver's license issued by one of the fifty states in the United States of America for the type/classification of entertainment transportation vehicle to be operated. Any time that a permittee's driver's license is suspended, revoked, or cancelled, their entertainment transportation vehicle driver's permit shall likewise be immediately suspended, revoked, or cancelled. The entertainment transportation vehicle driver's permit shall immediately be surrendered to the MTC until such time as their driver's license is reinstated.

Section 11. Conduct of drivers.

A driver shall at all times:

1. Act in a reasonable, prudent, safe, and courteous manner;
2. Not permit a person not possessing an entertainment transportation vehicle driver's permit to operate the entertainment transportation vehicle;
3. Not permit more passengers to be carried in an entertainment transportation vehicle than for which there is proper seating, and at no time shall the driver allow any passenger to ride in any area of the entertainment transportation vehicle not specifically designed or designated as a seat;

4. Not permit any passenger sixteen years of age or younger to ride in an entertainment transportation vehicle unaccompanied by an adult;
5. Not operate an entertainment transportation vehicle while under the influence of intoxicating beverages or drugs;
6. Not operate an entertainment transportation vehicle while possessing a lighted cigarette, cigar, or pipe at any time;
7. Observe and obey all state and local noise and traffic laws and regulations;
8. Not permit a customer to stand or ride on any part of the entertainment transportation vehicle other than the designated seating area while the entertainment transportation vehicle is in motion and to advise the passengers that they must be seated except when loading or unloading.

Section 12. Return of passengers' property.

A driver of an entertainment transportation vehicle shall immediately attempt to return to a passenger any property left by the passenger in the entertainment transportation vehicle. If unable to locate the passenger, the driver shall turn the property into the certificate holder's company office at the end of the driver's shift or at the first available opportunity. In such cases, the certificate holder shall make a good faith effort to locate the passenger, and, if not successful, hold the property in storage at its location for at least thirty days, unless otherwise directed by the director.

Section 13. Compliance with provisions.

Every driver granted a permit under this article shall comply with all City of Memphis, state, and federal laws. Failure to do so may result in disciplinary actions including suspension and up to revocation of the entertainment transportation vehicle driver's permit.

Article 4. Equipment and Operation

Section 1. Vehicle permit required.

Each entertainment transportation vehicle must have a permit issued by the MTC. The permit will identify each entertainment transportation vehicle by a unique number in accordance with rules and procedures established by the MTC and will be associated with the specific classification and by certificate holder. Permits are not transferable to other entertainment transportation vehicles or other certificate holders.

Section 2. Ownership and control of vehicles.

All entertainment transportation vehicles permitted under this chapter must be under the lawful control of a certificate holder demonstrated either by proof of ownership or a copy of a valid lease agreement and must be under the direct control of a permitted driver while in operation or use.

Section 3. Vehicle to display identification.

All entertainment transportation vehicles operated under the authority of this chapter shall be equipped with identification as prescribed by the MTC in rules and regulations.

Section 4. Vehicle requirements; safety standards.

A. To the fullest extent permitted by Tennessee and federal law, prior to the use and operation of any vehicle under the provisions of this chapter, the vehicle shall be thoroughly examined and inspected by the certificate holder or a third party in accordance with rules and regulations prescribed by the MTC. These rules and regulations shall be promulgated to provide safe transportation and specify such safety equipment and regulatory devices as the MTC shall

deem necessary. When a certificate holder finds that a vehicle has met all the terms established by the MTC, the holder shall certify this to the MTC director, who shall authorize a permit to be issued.

B. To the fullest extent permitted by Tennessee and federal law, every vehicle operating under this chapter is subject to random and periodic inspections to ensure the continued maintenance of safe operating conditions. A certificate holder shall make an entertainment vehicle available for inspection upon or prior to the expiration of the notice period provided for in the rules and regulations adopted by the MTC, when ordered to do so by MTC staff. If, upon inspection it is determined that an entertainment vehicle for hire is not in compliance with this chapter or MTC rules, the MTC staff shall order the vehicle to be removed from service or brought into compliance within a reasonable period of time and require it to be re-inspected.

C. Every vehicle operating under this chapter shall be kept in a clean and satisfactory condition, according to rules and regulations promulgated by the MTC.

D. Every vehicle operating under this chapter must be equipped with seats for each passenger.

E. To the fullest extent permitted by Tennessee and federal law, every vehicle operating under this chapter shall undergo an annual detailed mechanical inspection conducted by an approved mechanic pursuant to the requirements of rules and regulations adopted by the MTC. The records of these inspections must be maintained and made available to MTC staff as provided by the rules and regulations adopted by the MTC. The certificate holder shall certify to the MTC director compliance with this subsection.

F. The MTC may, by rule, establish additional inspection requirements for entertainment transportation vehicles and other equipment used in the entertainment transportation vehicle service.

G. The MTC shall have the authority to promulgate rules and regulations related to vehicle safety that are consistent with applicable law to ensure the safe operation of entertainment transportation vehicles.

Section 5. Operating area.

Entertainment transportation vehicles shall operate upon the streets in the Memphis City Limits on routes or zones delineated by the Memphis Transportation Commission, within the selected portion of the Central Business Improvement District (Core District, Edge/Medical District, and South District - see Exhibit A). Any deviation or amendments to routes or zones must be reviewed by the MTC or its staff and receive approval from the Memphis City Council by Resolution. Any approved deviation must be reported to the MTC or the MTC director staff prior to beginning of operations.

Section 6. Operating hours.

Entertainment transportation vehicles shall operate between the hours of 11 AM to 11 PM. Any deviation from these hours must be reviewed by the MTC or its staff and receive approval from the Memphis City Council by Resolution. Any approved deviation must be reported to the MTC or the MTC director staff prior to beginning of operations.

Section 7. Records and reports.

A. Each holder shall maintain at a single location business records of its entertainment transportation vehicle business. The records must be maintained in a manner approved by the MTC director and contain the following information:

1. An identification of the entertainment transportation vehicles operating each day;
2. An identification of the drivers operating the entertainment transportation vehicles each day and a statement of the hours each driver operated the vehicle each day; and
3. Any other information the MTC director determines necessary for monitoring the activities, operations, service, and safety record of the licensee.

B. A certificate holder shall make its records available for inspection by the MTC director, inspector, law enforcement officer or designated officials.

Section 8. Accidents

A. All accidents arising from or in connection with the operation of an entertainment transportation vehicle shall be reported within seventy-two hours from the time of occurrence to the MTC director if the accident results in:

1. Death or bodily injury to any person, or
2. Damage to any vehicle, or to any property in an amount exceeding the sum of four hundred dollars.

B. An entertainment transportation vehicle damaged in an accident, but still operable without placing the driver or passengers at risk, must be repaired within two weeks of the accident or removed from operation until repaired and inspected.

Section 9. Passengers-Receiving and discharging by drivers.

A. Drivers shall only receive and discharge passengers at designated staging areas/locations approved by the MTC.

B. Drivers shall not allow additional passengers to board the entertainment transportation vehicle after the vehicle has left its fixed starting point.

Section 10. Disposition of disorderly passengers.

Drivers shall act in a reasonable and professional manner in dealing with disorderly passengers.

Section 11. Soliciting business.

No certificate holder or driver of an entertainment transportation vehicle shall offer any compensation of whatever form to any person or entity in exchange for the direction or recommendation of passengers to that entertainment transportation vehicle, provided that this section shall not prohibit certificate holders from advertising their entertainment transportation business.

Section 12. Compliance with other laws.

It shall be a violation of this chapter for a certificate holder or driver to violate any other applicable federal, state or local law or regulation in offering or providing entertainment transportation vehicle services.

Section 13. Enforcement.

A. The inspectors of the Memphis Transportation Commission are authorized and are instructed to observe the conduct of holders of certificates and permits operating under this chapter. Upon discovering a violation of the provisions of this chapter, the inspector may either report the violation to the MTC, which will order or take appropriate action, or issue a citation as authorized under Article IV, Section 1 A.

B. In addition to the enforcement authority provided to MTC inspectors in subsection A. of this section, officers of the Memphis Police Department shall have the authority to enforce this chapter. A police officer, upon observing a violation of this chapter or of any regulation or rule established by the MTC or the MTC director pursuant to this chapter, may take necessary enforcement action to insure effective regulation of entertainment transportation vehicles.

Section 14. Limitation of service due to weather conditions.

Entertainment transportation vehicles shall not receive passengers when weather conditions are sufficiently adverse or inclement so as to endanger passengers or the public. The MTC, by rule, may adopt specific guidelines for the operation of entertainment transportation vehicles in inclement weather conditions.

Article 5. Violations – Civil Penalty Schedules

Section 1. Violations-Penalties-Additional regulations.

A. All provisions of this chapter shall be governed by the penalties and procedures for general ordinance violations set forth in the Code of Ordinances of Memphis, Tennessee, 1-24-1.

B. Notwithstanding any provision contained herein, the MTC shall have the authority to enforce the provisions of this chapter.

C. The MTC shall have the authority to promulgate, implement, and enforce additional rules and regulations pertaining to entertainment transportation vehicles, provided such rules and regulations are consistent with the provisions of this chapter, and prior approval is obtained from the Memphis City Council.

Section 2. Severability.

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

Section 3. Effective Date.

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.

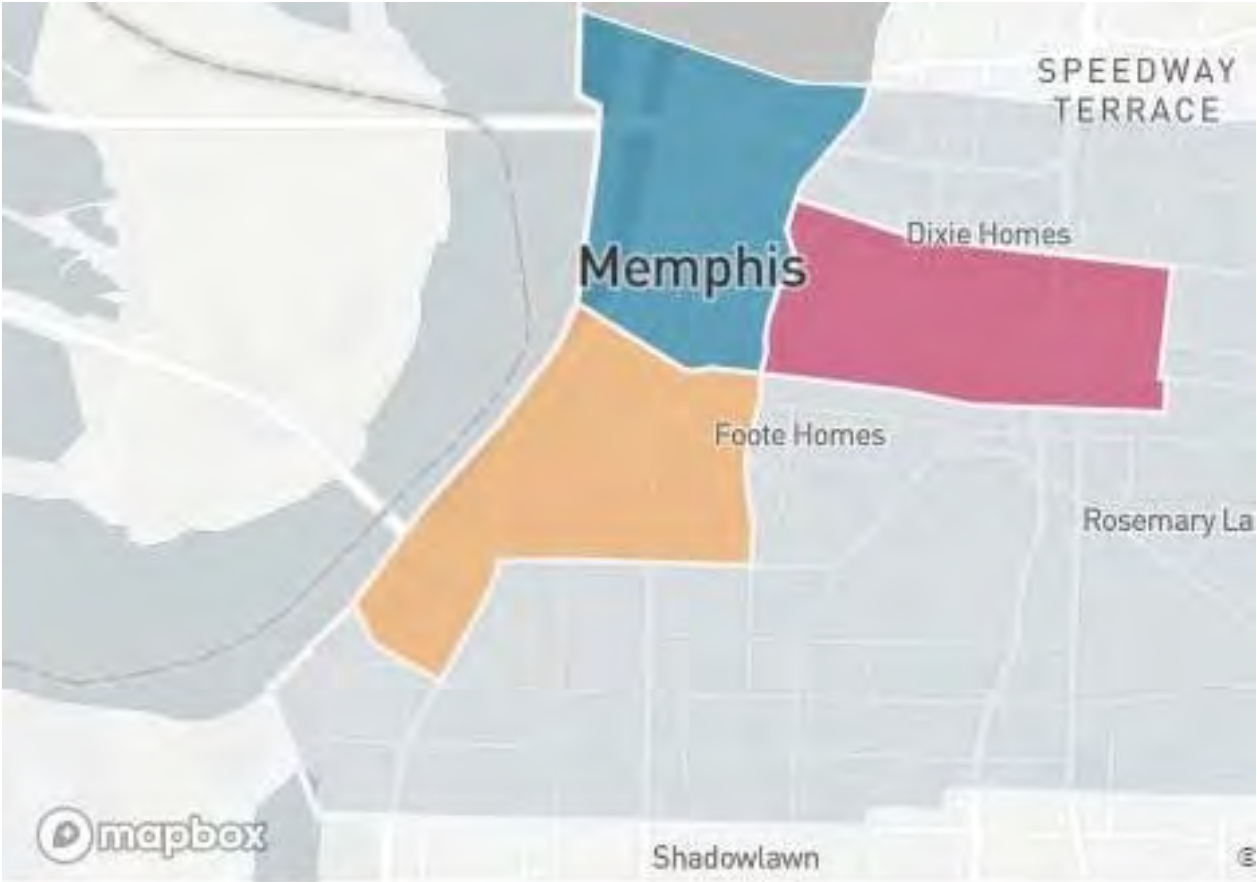
SPONSOR

Ford Canale

CHAIRMAN

Martavius Jones

Exhibit A



- South District
- North District
- Core District
- Edge/Medical District
- Core City District

Ordinance No. _____

ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF MEMPHIS, CHAPTER 2-16., CITY REAL PROPERTY MANAGEMENT, TO REQUIRE THAT ANY CONTRACTS FOR THE EXTERIOR MODIFICATION OF CITY-OWNED PROPERTY THAT IS LEASED TO ANY UNAFFILIATED NONPROFIT ORGANIZATION, WITH A COST IN EXCESS OF \$3,000,000, BE PRESENTED TO THE MEMPHIS CITY COUNCIL FOR APPROVAL

WHEREAS, the Memphis City Council is committed to the growth and development of the City of Memphis, and maintains its support of the continuous improvement and maintenance of City-owned properties; and

WHEREAS, the Memphis City Council recognizes that its commitment to the City's growth includes the responsibility to consider the needs of the properties and residents that surround such developments; and

WHEREAS, the Memphis City Council understands that improvements to any City-owned property will affect the surrounding areas, and wants to ensure that such improvements are made known to the local residents and are done in consideration of the needs and desires of that community; and

WHEREAS, Chapter 2-6- 1. of the Code of Ordinances of the City of Memphis grants the Memphis City Council with the power to authorize contracts entered into by the Mayor; and

WHEREAS, the Memphis City Council seeks to utilize that authority to require that contracts for the modification or improvement of the exterior of City-owned property that is leased to any nonprofit entity that is unaffiliated with the City of Memphis receive prior authorization from the Council when the cost of the improvement or modification is in excess of \$3,000,000.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that

Section 1. Chapter 2-16., City Real Property Management, of the Code of Ordinances is hereby amended to add the following provision:

Sec. 2-16-3. Improvement or Modification to City-owned Property.

A. Property Leased to Nonprofit Entities

Any real property that is owned by the City of Memphis that has been leased to, or is otherwise occupied by, a nonprofit organization that is not affiliated with the City of Memphis, or is not under the sole supervision and control of the Mayor, shall not enter into an agreement regarding the improvement or modification to the exterior of such land, building, or facility without prior

authorization of the Memphis City Council if the cost associated therewith is in excess of three million (\$3,000,000) dollars.

Such proposed agreements for modification or improvement shall be brought before the Memphis City Council for authorization within a reasonable time, as determined by the City Council.

Section 2. Severability. The provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences clauses, phrases, or parts are held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

Section 5. Effective Date. 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 the Mayor in writing by the comptroller and become effective as otherwise provided by law.

Sponsors:
Martavius Jones
Edmund Ford, Sr.
Cheyenne Johnson
Rhonda Logan
Jana Swearngen-Washington
Dr. Jeff Warren

Chairman:
Martavius Jones

Ordinance No. _____

**ORDINANCE RENAMING SOUTH SECOND STREET BETWEEN BEALE STREET
AND G.E. PATTERSON AVENUE AS REP. BARBARA COOPER STREET**

WHEREAS, the process for naming and renaming streets and other thoroughfares within the City of Memphis has been established by Chapters 2 and 12 of the City of Memphis Code of Ordinances; and

WHEREAS, the Memphis City Council possesses naming powers when the City acquires any street or other thoroughfare by purchase or dedication, per Section 12-16-2 of the City of Memphis Code of Ordinances; and

WHEREAS, under *Tennessee Code Annotated*, Section 7-86-127, “unless expressly provided otherwise by law, the authority to name public and private roads and streets, including roads and streets located within residential developments, and to assign property numbers relating to the roads and streets, is exclusively vested in the legislative bodies of ... municipalities within their incorporated boundaries;” and

WHEREAS, the Memphis City Council, on September 1, 2020, by Ordinance No. 5759 duly passed, amended the City of Memphis Code of Ordinances thereby vesting street, park, and public place/property name change powers in the Memphis City Council; and

WHEREAS, upon review, the Memphis City Council now seeks to exercise its naming authority under Chapters 2 and 12 of the City of Memphis Code of Ordinances to honor the life and legacy of Tennessee State Representative Barbara Cooper - a Memphis native, educator, and civil rights activist; Rep. Cooper represented the 86th District for 26 years.

NOW THEREFORE BE IT RESOLVED, that South Second Street between Beale Street and G.E. Patterson Avenue be officially renamed “Rep. Barbara Cooper Street.”

BE IT FURTHER RESOLVED, that the City Engineer is requested to affix suitable signs officially designating this public road, effective with the passage of this ordinance.

Sponsored by:
Edmund Ford, Sr.

SUPPLEMENTAL ADOPTING ORDINANCE
SUBSTITUTE ORDINANCE NO. 5843

***An Ordinance Supplementing and Amending the 2021 Memphis
Municipal Code of Ordinances of the City of Memphis,
Tennessee relative to Animals and Horse Drawn Carriages;
Providing for the Repeal of Certain Ordinances Not
Included herein; and Providing when such Amendments to the
Code and this Ordinance Shall Become Effective***

WHEREAS, the Council of the City of Memphis, as the City's legislative body, has the full power and authority under the Charter of the City to codify, revise and collect in the form of a code of ordinances of a general nature, and in doing so has the full power, to amend, alter, repeal or modify any ordinance of a general nature other than contract ordinances to conform such ordinances to the legislative intent of the Council before inclusion in said code;

WHEREAS, on February 15, 2022 the Council adopted a new Code of Ordinances, consisting of Titles 1 through 15, each inclusive, and the errata thereto, as the "2021 Code of Ordinances, City of Memphis, Tennessee" (the "2021 Code").

WHEREAS, due to the volume of ordinances to be considered and codified and the need to provide clear guidance to the City and its citizens, the City Attorney and the Council's Attorney the City Attorney and the Council's Attorney have only presented for codification two (2) Titles, namely "Title 1-General Provisions" and "Title 4-Pension and Retirement System.

WHEREAS, the Council has delegated to the City Attorney and the Council's Attorney the responsibility of making a thorough review of new and amending ordinances

adopted by the Council since September 1, 1985 for the purpose of producing for adoption by the City Council a new Official Code of Ordinances that accurately reflects the state of law of the City as of the date(s) of adoption by the City Council.

WHEREAS, the City Attorney and the Council's Attorney have been authorized and directed to periodically provide for adoption by the Council of supplementary codification ordinances to supplement the codification approved in Ordinance No. 5669.

WHEREAS, the Council desires to supplement the 2021 Code by adopting and codifying Titles 6-Business Licenses and Regulations and Title 8-Animals.

Be It Ordained by the Council of the City of Memphis That

Section 1. A Supplement to the 2021 Code of Ordinances, consisting of specific chapters in Titles 6 and 8, each inclusive, and the errata thereto, is hereby adopted and enacted. The specific chapters in Titles 6 and 8 relating to Horse Drawn Carriages and Animals as proposed for adoption are attached hereto and incorporated herein by reference.

Section 2. Upon adoption of this Supplemental Ordinance the titles and chapters of the 2021 Code so approved hereby shall supersede and replace all then existing general and permanent ordinances of the City to the extent included in such codified titles and chapters or to the extent such ordinances are inconsistent with the provisions of the titles and chapters so codified.

Section 3. All provisions of the Titles and Chapters of this Supplement to the 2021 Code adopted and codified by this ordinance shall be in full force and effect from and after this ordinance becomes effective, and all conflicting codes, provisions, chapters, sections, paragraphs and sentences of ordinances of a general and permanent nature in existence or enacted on final passage on or before the effective date of this ordinance, and not included in the 2021 Code or recognized and continued in force by reference therein are hereby repealed from and after the effective date of this Ordinance.

Section 5. the codification of any ordinances pursuant to the Adopting Ordinance and this Supplemental Adopting Ordinance are required by the City's Charter to be recorded in a well-bound book kept by the City Comptroller.

Section 6. Any such codified ordinances as maintained by the City Comptroller may be relied on by the City or any person and may be read in evidence in any court of this State, unless there is a bona fide dispute as to the meaning of any such ordinance being consistent with the Council's intent. In any such case, the City Attorney shall present such ordinance(s) to the Council for a determination of the consistency of the ordinance(s) with the Council's intent as appearing in the record of its proceedings and for any further action that the Council deems appropriate in accordance with its authority under City Charter § 361.

Section 7. Three (3) copies of the 2021 Code, as supplemented hereby, shall be kept on file in the office of the comptroller preserved in loose-leaf form, or in such other form as the comptroller may consider most expedient. The comptroller is also authorized to contract with a nationally recognized legal code publication company for the official publication of the 2021 Code and supplements as approved by the Council. The comptroller is also authorized to contract with a nationally recognized legal code publication company for the unofficial republication of the 2021 Code and supplements as approved by the Council in electronic format.

Section 8. It shall be the express duty of the comptroller or someone authorized by him or her to insert in such copies and in their designated places all amendments or ordinances which the council has specifically codified and approved, from time to time, to be to made a part of the 2021 Code when the same have been printed or reprinted in page form, and to extract from such copies all provisions which may be from time to time repealed by the Council. Such copies shall be available for inspection in accordance with law by all persons desiring to examine the same.

Section 9. The provisions the 2021 Code as approved by the Council or any copy thereof which purports to be

published and maintained, in written or electronic form, by authority of the City of Memphis shall be conclusively held to be evidence of the law of the City of Memphis from and after the times of their passage, with respect to any subject or provisions contained therein, and no person shall be permitted to impeach any such code provision on the ground that it was not duly and regularly passed in accordance with the laws existing at the time of its passage. Any prior uncodified republications of ordinances of the City with respect to any subject or provisions contained in the 2021 Code shall not be read and accepted in evidence from and after the adoption of the Adopting Ordinance and any Supplemental Adopting Ordinances.

Section 10. The provisions the 2021 Code as approved by the Council, or any copy thereof which purports to be published by authority of the City of Memphis, may be read and accepted in evidence in any court in this State without further proof of its passage.

Section 11. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 12. Severability. 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.

Section 13. Effective Date. 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.

SPONSOR:
Carlisle

MARTAVIUS JONES
CHAIRMAN

Title 6 - BUSINESS LICENSES AND REGULATIONS

CHAPTER 1 HORSE-DRAWN CARRIAGES

DEFINITIONS

Sec. 6-1-1. Definitions.

POWERS OF DIRECTOR—REGULATIONS

Sec. 6-1-2. Rules and regulations of the director of police services relative to horse-drawn carriages.

Sec. 6-1-3. City treasurer—Powers; appeal of decisions.

Sec. 6-1-4. Duty of City Directors to enforce chapter.

Sec. 6-1-5. Certificate required; exceptions.

CERTIFICATION REQUIREMENTS

Sec. 6-1-6. Application for certificate.

Sec. 6-1-7. Standards for issuance of certificate.

Sec. 6-1-8. Certificate issued to owner only.

Sec. 6-1-9. Fee.

Sec. 6-1-10. Business license.

Sec. 6-1-11. Insurance.

Sec. 6-1-12. Business to be conducted by certificate holder; agreement with drivers.

Sec. 6-1-13. Increase in number of carriages after issuance; enlargement of authority.

Sec. 6-1-14. Replacement of vehicles.

Sec. 6-1-15. Accident reports.

Sec. 6-1-16. Assignment or transfer of certificates.

Sec. 6-1-17. Expiration and renewal of the certificate.

Sec. 6-1-18. Fines, suspension and revocation of certificates.

Sec. 6-1-19. Horse-drawn carriage stands—Use by other vehicles prohibited.

DRIVERS AND CONDUCTORS

Sec. 6-1-20. Vehicle drivers.

Sec. 6-1-21. Application for a driver's permit.

Sec. 6-1-22. Application for a carriage driver's training permit.

Sec. 6-1-23. Applicant to fill out identification questionnaire and be fingerprinted.

Sec. 6-1-24. Investigation; issuance; not to issue to certain persons.

Sec. 6-1-25. Notification of arrest or indictment.

Sec. 6-1-26. Notification of company change of driver.

Sec. 6-1-27. Permit fee.

Sec. 6-1-28. Form, size, design and contents.

Sec. 6-1-29. Possession of permit.

Title 6 - BUSINESS LICENSES AND REGULATIONS
CHAPTER 6-1. - HORSE-DRAWN CARRIAGES

- Sec. 6-1-30. Expiration and renewal.
- Sec. 6-1-31. Fines, suspension and revocation of permit.
- Sec. 6-1-32. Unauthorized use of permit; defacing or removing permit.
- Sec. 6-1-33. Standards of appearance and conduct of drivers.
- Sec. 6-1-34. Total passengers in vehicle; carrying passengers on driver's seat prohibited.
- Sec. 6-1-35. Consent required for horse-drawn carriage driver to pick up additional passengers.
- Sec. 6-1-36. Drivers not to work more than 12 hours out of 24.
- Sec. 6-1-37. Solicitation of passengers by drivers; drivers to remain in or near carriage.
- Sec. 6-1-38. Drivers of horse-drawn carriages.

VEHICLES

- Sec. 6-1-39. Carriage safety equipment.
- Sec. 6-1-40. Television equipment.
- Sec. 6-1-41. Horse-drawn carriage maintenance.

LICENSING AND CARE OF ANIMALS

- Sec. 6-1-42. Licensing of Equines-Powers of Director of Animal Services
- Sec. 6-1-43. Proper Care of Licensed Equines.
- Sec. 6-1-44. Conditions of Use of Licensed Equines.
- Sec. 6-1-45. Equipment
- Sec. 6-1-46. Stalls and stables.

TITLE 6 – BUSINESS LICNESES AND REGULATIONS

CHAPTER 1. HORSE-DRAWN CARRIAGES

DEFINITIONS

Sec. 6-1-1. Definitions.

The following words and phrases when used in this chapter shall have the meaning as set out herein:

Certificate means a certificate of public convenience and necessity issued by the director of police services authorizing the holder hereof to conduct a horse-drawn carriage for hire business in the city.

Carriage means a horse-drawn carriage regularly used in the business of carrying passengers for a fare whether or not on a fixed route.

Director of animal services means the director of animal services of the city, or his or her authorized designee.

Director of police services means the director of police services of the city, or his or her authorized designee.

Driver shall be held to include every person in actual charge of the operation of a horse-drawn carriage.

Driver's permit means the permission granted by the director of police services to a person to drive a horse-drawn carriage for hire upon the streets of the city.

For hire means agreement to transport a person or persons for a fare.

Holder means a person to whom a certificate of public convenience and necessity has been issued.

Horse means any animal of the genus equus.

Owner means the person who has proved to the director of police services that he or she is the legal owner of the horse-drawn carriage.

Inspector shall be a Memphis police officer and/or any person designated by the Director of Animal Services, who has been authorized and instructed to watch and observe the conduct of holders of certificate of public convenience and necessity, drivers and licensed equines operating under this chapter. Upon discovering a violation of the provisions of this chapter, the inspector(s) will order or take appropriate action.

Person includes an individual, a corporation or other legal entity, a partnership, or any unincorporated association. Person must be a resident of the State of Tennessee or member of corporation recognized in Tennessee.

Stable means any place, establishment or facility where one or more horses are housed or maintained.

Stand. A horse-drawn carriage for hire stand is a place where the city engineer in concert with director of police services has authorized a holder of a certification of public convenience and necessity to park horse-drawn carriage for hire out of service awaiting a passenger.

Sticker means identifying sticker issued by the Memphis police department on authority of director of police services, to be displayed on rear of horse-drawn carriage next to identification plate. Sticker to be issued annually with certificate of convenience and necessity.

Veterinarian means a person licensed to practice veterinary medicine.

Work. A horse is considered working when it is out of the stable and at its carriage stand or place where it regularly picks up passengers. Work ends when the horse leaves its stand to go to the stable.

(Code 1985, § 39-71; Ord. No. 4227, § 1, 11-2-1993)

POWERS OF DIRECTOR—REGULATIONS

Sec. 6-1-2. Rules and regulations of the director of police services relative to horse-drawn carriages.

The director of police services is authorized and directed to make and enforce such additional rules and regulations, not in conflict with the provisions of this chapter, as the director may deem proper to regulate the operation of horse-drawn carriages for hire under a certificate issued pursuant to this chapter, provided that no regulation shall be made or enforced in conflict with this chapter or any other city ordinance.

(Code 1985, § 39-102; Ord. No. 4227, § 1, 11-2-1993)

Sec. 6-1-3. City treasurer—Powers; appeal of decisions.

- A. The city treasurer is vested with full and complete authority to issue, alter, deny, suspend or revoke certificates of public convenience and necessity and permits for drivers, as herein provided, and is further vested with the full and complete authority, duty and responsibility to carry into effect the provisions of this chapter. The city treasurer may designate an officer to render rulings or take all other actions herein granted to the city treasurer, as indicated by the city treasurer.
- B. The city treasurer or the city treasurer's designee shall conduct hearings on those matters requiring same. Decisions of the designee may be appealed by the applicant, the certificate holder, or driver within ten days after the decision affecting the person, by filing a written appeal with the city treasurer. The city treasurer may rule after a review of the record or may set a hearing as soon as practicable. Ten days' notice of a public hearing stating the time and place of the public hearing and the express terms or an informative summary of the subject matter of the public hearing provided for herein shall be given by publication in some newspaper published in the city, the cost thereof to be paid by the applicant or certificate holder.

C. An applicant, driver or certificate holder aggrieved by any final order or determination of the city treasurer in regard to the issuance, denial, suspension or revocation of that person's certificate or permit under this chapter may, within ten days after such denial, file with the comptroller a petition for review of the action of the city treasurer in denying the application, and it shall then be the duty of the city council to hold a public hearing and either grant or deny the application. In all such cases any interested party or holder of a certificate of necessity and convenience shall have a right to be heard; provided, further, that, in any such appeal to the city council, the decision of the city treasurer shall be prima facie correct.

(Code 1985, § 39-103; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4352, § 11, 8-15-1995)

Sec. 6-1-4. Duty of City Directors to enforce chapter.

The director of police services and/or the director of animal services or their respective designees (“Inspectors”) are authorized and are instructed to monitor the conduct of holders of certificates of a public convenience and necessity, drivers and licensed equines operating under this chapter. Upon discovering a violation of the provisions of this chapter, an Inspector shall take appropriate action. Any vehicle for hire may be inspected at the discretion of an Inspector at any time or location. Vehicles may be inspected for cosmetics, safety requirements, and are to include permits and license required to be held by the driver or any other inspection deemed necessary by an Inspector.

(Code 1985, § 39-104; Ord. No. 4227, § 1, 11-2-1993)

Sec. 6-1-5. Certificate required; exceptions.

A. No person shall operate or permit a horse-drawn carriage owned or controlled by him or her to be operated as a passenger vehicle for hire upon the streets of the city without first having obtained a certificate of public convenience and necessity from the director of police services.

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- B. This section shall not apply to passenger vehicles for hire operated under the jurisdiction of the public service commission of the state, or otherwise exempted.
- C. No more than 50 carriages may be permitted to operate upon the streets of Memphis and the permit office shall accept no applications for additional carriages once this maximum has been permitted. Other pending applications shall be dismissed upon the issuance of the 50th permit. Should the number of permitted carriages drop below the maximum allowed, applications will be considered in the order in which they are filed at the permit office.

(Code 1985, § 39-105; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4941, 5-7-2002)

CERTIFICATION REQUIREMENTS

Sec. 6-1-6. Application for certificate.

- A. Any person, partnership or corporation desiring to secure a certificate of public convenience and necessity shall make application and pay a \$100.00 application fee to the city treasurer. The notarized application shall be filed with and dated by the city treasurer or his or her designee.
- B. The application for a certificate shall be upon a form provided by the city treasurer, or his or her designee. An applicant for a certificate, including any partner or limited partner of the partnership applicant, and any officer or director of the corporate applicant and any stockholder holding more than five percent of the stock of a corporate applicant, or any other person who is interested directly in the ownership or operation of the business, shall furnish the following information:
1. Name and address including all aliases;
 2. Written proof that the individual is at least 18 years of age;
 3. All residential addresses of the applicant for the past five years;
 4. The trade name under which the applicant proposes to do business;

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5. The business, occupation or employment of the applicant for five years immediately preceding the date of application;
 6. The financial status of the applicant, including the amounts of all unpaid judgments against the applicant or, if a corporation, against any officer, director or shareholder as listed above or, if a partnership, any partner or limited partner, or any other person who is interested directly in the ownership or operation of the business;
 7. All criminal statute, whether federal or state, or city ordinance violations for which conviction, forfeiture of bond or pleading of nolo contendere has occurred, except minor traffic violations;
 8. Fingerprints and two color portrait photographs at least two inches by two inches of the applicant. The city permits office will provide fingerprints and photographs of applicant;
 9. The address of the premises from which the vehicle for hire business is to be conducted and the address wherein the vehicles are to be stored and/or serviced;
 10. If the applicant is a corporation, the name of the corporation and the date and state of incorporation, the name and address of the registered agent, and the names and addresses of all shareholders, as required above, officers and directors of the corporation;
 11. The experience and/or the qualifications of the applicant to operate a horse-drawn carriage for hire service;
 12. A showing that the public convenience and necessity requires the granting of the certificate;
 13. The number of horse-drawn carriages to be put into service at the time of application, the location of private property stands, and the size and seating capacity of each carriage;
 14. Whether applicant operates any other vehicles under this chapter;
 15. A statement by the applicant that he or she is familiar with the provisions of this chapter and is in compliance with them.

-
- C. Within ten days, or a reasonable time thereafter of receiving the results of the investigation conducted by the division of police services, the director of police services shall fix a time and a place for a public hearing on the application and notice shall be given as provided in section 6-1-3(B). All documents relative to the public hearing shall be available for inspection prior to the hearing. Any interested person may file a statement in support of or in opposition to the issuance of a certificate, and/or may offer testimony at the hearing.
- D. Failure or refusal of the applicant to give any information relevant to the investigation of the applicant or the applicant's refusal or failure to appear at any reasonable time and place for examination under oath regarding the application or the applicant's refusal to submit to or cooperate with any investigation required by this chapter, shall constitute an admission by the applicant that the applicant is ineligible for such certificate and shall be grounds for denial thereof by the director.

(Code 1985, § 39-106; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4352, § 12, 8-15-1995; Ord. No. 4941, 5-7-2002)

Sec. 6-1-7. Standards for issuance of certificate.

The city treasurer may issue a certificate of public convenience and necessity if an applicant meets the following standards:

- A. The applicant's financial status shall be such that the applicant shall be capable of operating the horse-drawn carriage for hire service during the time the certificate shall remain in effect.
- B. The public convenience and necessity requires the granting of a certificate in that the applicant has shown:
1. The support of potential customers of the service;
 2. The uniqueness of the services offered, if possible;
 3. That the service would not disrupt local traffic conditions.
- C. If the applicant is an individual:
1. The applicant shall be at least 18 years of age.

-
2. The applicant shall not have an outstanding unpaid final judgment.
 3. The applicant shall not have been convicted of, forfeited bond or pleaded nolo contendere to a felony or any crime involving moral turpitude as defined in T.C.A. § 57-4-203(h)(2), a controlled substance, prostitution, assignation, obscenity, or any crime of a sexual nature in any jurisdiction within five years immediately preceding the date of application.
 4. The applicant shall not have been found to have violated this chapter within five years immediately preceding the date of application.

D. If the applicant is a corporation:

1. All officers and directors shall be at least 18 years of age.
2. No officer, director or stockholder required to be named under section 6-1-6 shall have outstanding unpaid final judgments.
3. No officer, director or stockholder required to be named under section 6-1-6 shall have been convicted of, forfeited bond or pleaded nolo contendere to a felony or any crime involving moral turpitude as defined in T.C.A. § 57-4-203(h)(2), a controlled substance, assignation, prostitution, obscenity, or any crime of a sexual nature in any jurisdiction within five years immediately preceding the date of application.
4. No officer, director or stockholder required to be named under section 6-1-6 shall have been found to have violated this chapter within five years immediately preceding the date of application.

E. If the applicant is a partnership, joint venture or any other type of organization where two or more persons have a financial interest:

1. All persons having a financial interest in the partnership, joint venture or other type of organization shall be at least 18 years of age.

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2. The managing experience in the operation of a horse-drawn carriage business or in related endeavors.
 3. No person having a financial interest in the partnership, joint venture or other type of organization shall have outstanding unpaid final judgments.
 4. No person having a financial interest in the partnership, joint venture or other type of organization shall have been convicted of, forfeited bond or pleaded nolo contendere to a felony or any crime of moral turpitude as defined in T.C.A. § 57-4-203(h)(2), a controlled substance, prostitution, assignation, obscenity or any crime of a sexual nature in any jurisdiction within five years immediately preceding the date of the application.
 5. No person having a financial interest in the partnership, joint venture or other type of partner or manager shall have organization shall have been found to have violated this chapter within five years immediately preceding the date of the application.

(Code 1985, § 39-107; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4352, § 11, 8-15-1995)

Sec. 6-1-8. Certificate issued to owner only.

No certificate shall be granted under this chapter to any person unless the person is the owner of the horse-drawn carriage(s). The owner of a horse-drawn carriage must prove ownership to the city treasurer or his or her designee. The owner shall have a permanent number engraved or embossed on the chassis of the horse-drawn carriage. The owner will furnish photographs of the carriage(s) and notarized statements listing the self imposed serial number(s) to the city treasurer.

(Code 1985, § 39-108; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4352, § 11, 8-15-1995)

Sec. 6-1-9. Fee.

Certificates of convenience and necessity of horse-drawn carriages shall expire at midnight every March 31st, unless a timely and complete renewal is filed prior to that date. Such a timely and complete renewal shall serve to extend the permit until final action on the renewal request is taken by the department. When a certificate is issued, and at each renewal thereof, a fee for each carriage in use shall be paid to the city treasurer to defray the cost of administration of this chapter. The fee shall be as follows:

- A. For permits good for the period of April 1, 2003 until March 31, 2004: \$55.00.
- B. For permits good for the period of April 1, 2004 until March 31, 2005: \$65.00.
- C. For permits good for the period of April 2, 2005 until March 31, 2006, and every year thereafter: \$75.00.
- D. For any certificate or permit issued or amended after October 1 of any year, the fee shall be half the annual fee charged that year for each vehicle in use.

(Code 1985, § 39-109; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4352, § 11, 8-15-1995; Ord. No. 4941, 5-7-2002)

Sec. 6-1-10. Business license.

- A. Each carriage company must have a current business license.
- B. Each carriage company must maintain an emergency telephone number where the owner or manager may be contacted in case of emergency.

(Code 1985, § 39-110; Ord. No. 4227, § 1, 11-2-1993)

Sec. 6-1-11. Insurance.

No certificate of public convenience and necessity shall be issued unless the applicant provides to the city treasurer proof of financial responsibility by a written policy of liability insurance coverage as follows:

- A. Not less than \$100,000.00 in limited liability per occurrence;
- B. Not less than \$300,000.00 in public liability per occurrence;
- C. Not less than \$50,000.00 in property damages per occurrence.

(Code 1985, § 39-111; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4352, § 11, 8-15-1995)

Sec. 6-1-12. Business to be conducted by certificate holder; agreement with drivers.

The business of every horse-drawn carriage for hire shall be carried on by the person to whom the certificate is issued under this chapter. The holder of the certificate may enter into agreements with drivers fixing percentages of receipts to be turned over to the holder of the certificate for the daily use of such carriage paying salaries to drivers, or drivers may rent the horse-drawn carriage for hire for a specific sum of money. A driver may be the conditional vendor or lessor of a carriage as long as the certificate holder is the owner as defined in section 6-1-1. Any arrangement contracted between the holder of a certificate and the driver shall not relieve the holder of the certificate from any liability and damages to third parties. A sample copy of all such agreements shall be kept on file with the city treasurer.

(Code 1985, § 39-112; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4352, § 11, 8-15-1995)

Sec. 6-1-13. Increase in number of carriages after issuance; enlargement of authority.

A certificate holder shall not increase the number of horse-drawn carriages for hire operated pursuant to the certificate without receiving

the approval of the city treasurer or the city treasurer's designee. The city treasurer or the city treasurer's designee shall approve or disapprove such request on the basis of economic need of the certificate holder, need of public for additional service, and other factors listed in section 6-1-7(B). If the request is denied, the city treasurer or the city treasurer's designee shall advise the certificate holder in writing of the reasons for such action. In no event shall the number of permitted horse-drawn carriages be more than 50. At no time shall the level exceed two-thirds ownership of one certificate holder. If the certificate holder requests a hearing within ten days of receipt of notification of denial, a public hearing shall be held as provided in section 6-1-3(B).

(Code 1985, § 39-113; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4352, § 11, 8-15-1995; Ord. No. 4941, 5-7-2002)

Sec. 6-1-14. Replacement of vehicles.

- A. In case any carriage covered by a certificate is retired by the owner because it is worn out or so damaged as not to be worth of repair, or is burned or otherwise destroyed, the certificate holder shall advise the designee of the city treasurer in writing of the circumstances of the retirement. The certificate holder shall deposit with the designee of the city treasurer proof of ownership of the replacement carriage.
- B. The certificate holder must, if vehicles are discarded, sold, returned or otherwise disposed of, give notice to the city treasurer of such action whether or not the vehicle is replaced and return identification sticker to city treasurer.

(Code 1985, § 39-114; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4352, § 11, 8-15-1995)

Sec. 6-1-15. Accident reports.

Reports of accidents in which any horse-drawn carriage for hire may be involved shall be promptly made to the police services division in accordance with the provisions of chapters 2-28 through 2-36. The certificate holder and the driver shall each have responsibility for filing

a copy of the report with the city treasurer. Upon the happening of any accident or collision, the certificate holder shall forthwith have the passenger vehicle for hire involved therein removed from service until properly repaired.

(Code 1985, § 39-115; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4352, § 11, 8-15-1995)

Sec. 6-1-16. Assignment or transfer of certificates.

No certificate of public convenience and necessity may be sold, assigned, mortgaged, transferred or alienated.

(Code 1985, § 39-116; Ord. No. 4227, § 1, 11-2-1993)

Sec. 6-1-17. Expiration and renewal of the certificate.

A certificate issued under this chapter shall expire March 31 of each year at midnight and shall be renewed at the existing level of vehicles as long as the standards for the initial issuance are met. Applications for renewals shall be made by March 10 of each year, by which time all fees for the succeeding year shall have been paid. If the request for renewal is denied, the city treasurer or the city treasurer's designee shall advise the applicant in writing of the reasons for such denial. If the applicant requests a hearing within ten days of notification of denial, a public hearing shall be held as provided in section 6-1-3(B).

(Code 1985, § 39-117; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4352, § 11, 8-15-1995)

Sec. 6-1-18. Fines, suspension and revocation of certificates.

A. A certificate issued under the provisions of this chapter may be suspended or revoked by the city treasurer or the city treasurer's designee after a public hearing, except as provided in section 6-1-3(C). Notice, public access to documents, and conduct of hearing shall conform with the provisions of section 6-1-3(B) except that written notice shall be sent by registered U.S. mail to the subject certificate holder by the date of publication.

B. A certificate issued under the provisions of this chapter may be subject to a penalty fine of no more than \$50.00, suspension or revocation by the director of police services or the director's designee, upon findings at the public hearing that the holder of the certificate has:

1. Violated any provisions of this chapter;
2. Discontinued operation for more than 30 days;
3. Would no longer be eligible for issuance of the certificate.

C. A certificate holder shall have the right to appeal the ruling of the city treasurer or the city treasurer's designee revoking or suspending the certificate in the same manner as provided for appeals of the decision under section 6-1-3(C).

(Code 1985, § 39-118; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4352, § 11, 8-15-1995; Ord. No. 4941, 5-7-2002)

Sec. 6-1-19. Horse-drawn carriage stands—Use by other vehicles prohibited.

A. Private or other vehicles for hire shall not at any time occupy the space upon the streets that have been established as horse-drawn carriage stands. Horse-drawn carriage stands shall at all times be restricted to a minimum distance of 100 feet from the threshold of any establishment or enterprise whose main business is the serving of restaurant clientele or food serving processes, unless the restaurant owner gives his or her consent that a horse-drawn carriage may be located within the 100 feet minimum distance from its threshold, and all the written consents to go to the city's department of engineering.

B. Horse-drawn carriage for hire stands shall be designated by the city engineer in concert with the city treasurer. If in the judgment of the city engineer the establishment of a horse-drawn carriage for hire stand will not interfere with nor present a hazard to the traffic on the street where such stand is sought to be established, the city engineer shall erect or cause to be erected the necessary official signs and markings to designate the stand. The city engineer shall

forward a copy of his or her approval of the stands to the city treasurer.

- C. A holder of a certificate of convenience and necessity may request additional stands through the permit office of the Memphis Police Department or the city engineer. It is unlawful for any person to remove, alter or deface any sign or other marking so installed. Additional markings on the standards shall be approved by the city engineer.
- D. All horse-drawn carriage for hire stands are to be available for the use of all horse-drawn carriages for hire operating within the city on the basis of the driver of the first carriage for hire arriving at a vacant stand having the right to occupy such stand; however, the city treasurer may designate certain stands for a particular class of vehicles for hire only, such as: taxicab, horse-drawn carriage, etc. It is expressly provided that passengers may select any horse-drawn carriage for hire at such stands regardless of the horse-drawn carriage's position in the line at such stand and that no certificate holder may monopolize any stand.
- E. While in service, the operator of a horse-drawn carriage for hire may park the carriage at any legal parking space. When a carriage is parked upon a metered space, the operator shall pay the appropriate fee. If the carriage is so large that more than one metered space is occupied, the driver shall pay the meter(s) for all spaces fully or partially occupied. This provision shall not prevent the operator of a horse-drawn carriage for hire from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in the expeditious loading or unloading of passengers. While parking for this designated purpose upon a metered space, the driver shall pay the appropriate fee. While parked at any parking space, subsections G and H of this section and section 6-1-45 shall apply.
- F. No person other than the holder of a horse-drawn carriage for hire certificate of convenience and necessity, his or her agent, or employees, shall occupy a designated horse-drawn carriage for hire stand, except that the driver of a passenger vehicle may temporarily

stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any passenger vehicle for hire entering or about to enter the stand or stop.

G. Carriage companies shall keep horse-drawn carriage stands clean, free of manure and urine at all times. Urine shall be diluted with water or water with disinfectant as it occurs.

H. Water for the horses shall be available at all times.

(Code 1985, § 39-119; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4352, § 11, 8-15-1995; Ord. No. 4941, 5-7-2002)

DRIVERS AND CONDUCTORS

Sec. 6-1-20. Vehicle drivers.

No person shall operate a horse-drawn carriage for hire upon the streets of the city, and no certificate holder who owns or controls a horse-drawn carriage for hire shall permit it to be so driven, and no passenger vehicle licensed by the city shall be so driven at any time for hire, unless the driver of the vehicle for hire shall have first obtained and shall have a current and properly updated passenger vehicle for hire driver's permit which has been approved by the city treasurer and issued by the city treasurer, or his or her designee.

(Code 1985, § 39-120; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4352, § 11, 8-15-1995)

Sec. 6-1-21. Application for a driver's permit.

A. Permits required by this article shall be applied for, in person and in writing, on such forms as the city treasurer may prescribe, which forms shall show that:

1. The applicant has obtained a valid driver's license pursuant to the provisions of T.C.A. chapter 7, title 59;
2. The experience of the applicant in working with horses;

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3. All criminal statutes, whether federal or state, or city ordinance violations for which conviction, forfeiture of bond or pleading of nolo contendere has occurred, including motor vehicle and traffic violations;
 4. Such other information as the city treasurer may require.
- B. Such application shall be accompanied by two photographs as provided by the city permits office, one of which shall be attached to the permit, if issued, and one to be retained in the files of the city treasurer with the application for the permit.
- C. Such application shall be accompanied by:
1. A statement form, provided by a physician licensed to practice in the State of Tennessee, dated within 30 days of the application, indicating the length of time which the physician has treated the applicant, showing the applicant is not disabled by reason of defect of sight, hearing, body or limb, from safely operating a horse-drawn carriage and indicating any and all physical and mental conditions for which treatment has been rendered within the last year and for which treatment continues to be rendered;
 2. Statements of at least three reputable residents of the city who are personally acquainted with the applicant who will state their knowledge of the good reputation, honesty and general good character of the applicant, and include their name, address and home or work telephone number;
 3. A statement from a holder of a certificate of public convenience and necessity indicating that the applicant shall be affiliated with the certificate holder upon issuance of the permit.
- D. Permits shall remain the property of the city treasurer and may be canceled, revoked or suspended at any time and will be surrendered on demand.

(Code 1985, § 39-121; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4352, § 11, 8-15-1995; Ord. No. 4941, 5-7-2002)

Sec. 6-1-22. Application for a carriage driver's training permit.

A training permit will be issued for new and potential carriage drivers good for 14 days. During this period, the driver is required at all times to drive or ride with a designated trainer and permitted carriage driver. The fee for the trainer's permit shall be half that of regular carriage drivers and will go towards the cost of a full carriage driver's permit. If the trainee does not make full application after 14 days, the permit shall be null and void and the applicant must begin the process again.

(Code 1985, § 39-121.1; Ord. No. 4941, 5-7-2002)

Sec. 6-1-23. Applicant to fill out identification questionnaire and be fingerprinted.

Each applicant applying for a permit shall appear before the city treasurer or his or her designee to complete an identification questionnaire on a form to be provided, and be fingerprinted.

(Code 1985, § 39-122; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4352, § 11, 8-15-1995)

Sec. 6-1-24. Investigation; issuance; not to issue to certain persons.

- A. Before issuing a permit under this article, the city treasurer or the city treasurer's designee shall investigate the facts set out in the application and shall not grant such permit to any person who, in the opinion of the city treasurer, after investigation, is not physically or morally fit to drive or operate a horse-drawn carriage for hire in the city.
- B. No driver's permit shall be issued to any applicant who has been convicted of, forfeited bail or pleaded nolo contendere to a felony or any crime, involving moral turpitude as defined in T.C.A. § 57-4-203(h)(2), a controlled substance, prostitution, assignation, obscenity or any crime of a sexual nature in any jurisdiction, or been an inmate of reform school or penitentiary as a result of a conviction

for a felony, within five years prior to his or her application for such permit.

- C. The city treasurer may refuse to issue a permit to any applicant whose police record shows numerous convictions for public drunkenness, driving under the influence of intoxicants/drugs, repeated moving traffic violations, or any other good and just cause which, in the opinion of the city treasurer, would be inimical to the public health or safety.
- D. No permit shall be issued unless the applicant is at least 18 years of age.
- E. It shall be the duty of the city treasurer to issue a permit to any person applying therefor, showing compliance with the provisions of this chapter.

(Code 1985, § 39-123; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4352, § 11, 8-15-1995)

Sec. 6-1-25. Notification of arrest or indictment.

The holder of a driver's permit shall advise the city treasurer immediately of all charges, arrests and indictments, including those for public drunkenness and driving under the influence of intoxicants. The city treasurer may suspend a driver's permit for five days prior to a hearing pursuant to section 6-1-31, if the driver is arrested, charged or indicted for any violation of city, state or federal laws. It shall also be the responsibility of the certificate holder with which the driver is affiliated to notify the city treasurer of the charges, arrests or indictments. Failure to do so may result in suspension or revocation of the permit and/or of the certificate.

(Code 1985, § 39-124; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4352, § 11, 8-15-1995)

Sec. 6-1-26. Notification of company change of driver.

At the time a permit is issued, the driver must register with the division of police services the name of the horse-drawn carriage for hire certificate holder with which the driver intends to be affiliated and the

division of police services will have stamped on the permit the name of the horse-drawn carriage for hire certificate holder specified by the driver. If at any time a driver wishes to change affiliations, the driver must register the change with the division of police services, and a fee of \$10.00 will be charged to defray administrative cost. Failure to advise the director of any such changes may result in suspension or revocation of the permit. It shall be the responsibility of the holder of the certificate of public convenience and necessity to notify the city treasurer when affiliation with a driver is discontinued and any holder which allows a driver to operate a vehicle for hire without a proper and complete permit may have its certificate suspended or revoked. The holder of the certificate of public convenience and necessity must supply in writing to the permits office, the correct address of each driver currently affiliated with the certificate holder.

(Code 1985, § 39-125; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4352, § 11, 8-15-1995; Ord. No. 4941, 5-7-2002)

Sec. 6-1-27. Permit fee.

Each applicant for a permit under the provisions of this article shall pay to the city treasurer a fee of \$30.00 at the time of the filing of the application to cover the cost of drug screening, physical and driver's safety classes. For the renewal of such permit, the applicant shall pay a fee of \$25.00. To replace a lost, destroyed or stolen permit that is current, the fee shall be \$20.00.

(Code 1985, § 39-126; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4352, § 11, 8-15-1995; Ord. No. 4941, 5-7-2002)

Sec. 6-1-28. Form, size, design and contents.

A permit issued under this chapter shall be in card form, of such size and design as may be prescribed by the city treasurer which shall bear on its face a photograph of the driver, the number of the permit, the expiration date thereof the company with which the driver is affiliated, and such other information as the city treasurer may require.

(Code 1985, § 39-127; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4352, § 11, 8-15-1995)

Sec. 6-1-29. Possession of permit.

The original permit issued under this chapter, containing a photograph and other data on the driver shall at all times be in the possession of the driver of the horse-drawn carriage for hire operated by such driver, to be shown to the passenger or a police officer on demand, while such horse-drawn carriage for hire is under the direction or control of such driver.

(Code 1985, § 39-128; Ord. No. 4227, § 1, 11-2-1993)

Sec. 6-1-30. Expiration and renewal.

- A. A permit issued under this chapter shall expire at midnight on the anniversary of the birth date of the permit holder each calendar year.
- B. If the driver wishes that his or her permit be renewed, he or she shall furnish the city treasurer, or his or her designee, in person, the following information at least one month prior to his or her permit expiration:
 - 1. An affidavit signed by the driver indicating no medical or physical disabilities were suffered during the previous year;
 - 2. A statement from a holder of a certificate of public convenience and necessity indicating that the driver is a current driver for the certificate holder.
- C. Every three years, a driver shall submit, at the time of renewal, a certificate completed by a physician licensed in the State of Tennessee and including that physician's license number, indicating the length of time which the physician has treated the driver, showing the driver is not disabled by reason of defect of sight, hearing, body or limb from safely operating a horse-drawn carriage and indicating any and all physical and mental conditions for which treatment has been rendered within the previous three years and those for which the driver continues to receive treatment.

(Code 1985, § 39-129; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4352, § 11, 8-15-1995; Ord. No. 4941, 5-7-2002)

Sec. 6-1-31. Fines, suspension and revocation of permit.

- A. The city treasurer is given the authority to fine a penalty fee of no more than \$50.00 to suspend or revoke any driver's permit issued under this chapter for a driver's failure to comply with the provisions of this chapter or the rules and regulations specified by the city treasurer.
- B. The city treasurer shall notify a driver of the violations with which he or she is charged and his or her right to a hearing before the city treasurer or the city treasurer's designee, at which time the driver shall have an opportunity to present evidence; provided, however, that the city treasurer or the city treasurer's designee may suspend a permit for five working days prior to a hearing, with a hearing to be held within that period of time, if, in the judgment of the city treasurer or the city treasurer's designee, the public health and safety requires. At such hearing, the city treasurer or the city treasurer's designee is authorized to further suspend or revoke a driver's permit.

(Code 1985, § 39-130; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4352, § 11, 8-15-1995; Ord. No. 4941, 5-7-2002)

Sec. 6-1-1. Unauthorized use of permit; defacing or removing permit.

- A. The city treasurer or the city treasurer's designee may suspend or revoke the permit of any driver for allowing any other person to use the permit granted to the driver, for the purpose of operating a passenger vehicle for hire or for any other reason.
- B. The city treasurer or the city treasurer's designee may suspend or revoke the permit of any driver who defaces, removes, or obliterates any official entry made upon the permit.

(Code 1985, § 34-131; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4352, § 11, 8-15-1995)

Sec. 6-1-33. Standards of appearance and conduct of drivers.

- A. No driver shall engage in selling alcoholic beverages, any controlled substance, or solicit business from any house of ill repute or any person known to be of ill repute use his or her vehicle for any purpose other than the transporting of passengers except as provided for driver trainees. Passengers may possess alcoholic beverages.
- B. Drivers shall not engage in abusive language, including, but not limited to, cursing, verbal insults or derogatory comments in the presence of passengers, potential or engaged, or staff members of regulating authorities.
- C. While on duty, drivers shall not be under the influence nor engage in the consumption of intoxicants, including, but not limited to, beer and other alcoholic beverages or controlled substances. Any driver charged with driving while intoxicated may have his or her permit immediately suspended as provided in section 6-1-31.
- D. Drivers must present an acceptable appearance, including clean, neat wearing apparel not in need of repair. Hats may be worn. No shirt may be worn displaying an offensive logo. No halter-tops or tank shirts may be worn. Shorts may be worn but must be knee length or no more than three inches above the knee. Shoes, excluding sandal type shoes, must be worn at all times while serving the public. General appearance must be one of neatness and cleanliness.

(Code 1985, § 39-11; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4941, 5-7-2002)

Sec. 6-1-34. Total passengers in vehicle; carrying passengers on driver's seat prohibited.

No driver shall permit more persons to be carried in a horse-drawn carriage for hire as passengers than the seating capacity. A child in arms shall not be counted as a passenger.

(Code 1985, § 39-133; Ord. No. 4227, § 1, 11-2-1993)

Sec. 6-1-35. Consent required for horse-drawn carriage driver to pick up additional passengers.

No driver of a horse-drawn carriage shall carry any person other than the original passenger(s) by whom he or she has been engaged, without the consent of the original passenger(s), unless it is a driver trainee or other company employee.

(Code 1985, § 39-134; Ord. No. 4227, § 1, 11-2-1993)

Sec. 6-1-36. Drivers not to work more than 12 hours out of 24.

- A. No driver shall work more than a maximum of 12 hours in the aggregate of any 24-hour period, and such driver shall not begin to drive until he or she has had at least eight consecutive hours of rest.
- B. It is the duty of the certificate holder in conjunction with the driver to meet these requirements.

(Code 1985, § 39-135; Ord. No. 4227, § 1, 11-2-1993)

Sec. 6-1-37. Solicitation of passengers by drivers; drivers to remain in or near carriage.

- A. No horse-drawn carriage for hire driver shall solicit passengers for a horse-drawn carriage for hire, except when sitting in the driver's seat of such carriage for hire or while standing immediately adjacent to the carriage. The driver of any horse-drawn carriage for hire shall remain in the driver's seat or immediately adjacent to the carriage at all times when such carriage is upon public streets, provided further, that nothing herein contained shall be held to prohibit any driver from alighting to the street or sidewalk for the purpose of assisting passengers into or out of the carriage.
- B. No horse-drawn carriage for hire driver shall solicit patronage in a loud or annoying tone of voice, or by sign, or in any manner annoying any person, or to obstruct the movement of any person or follow any person for the purpose of soliciting patronage.

(Code 1985, § 39-136; Ord. No. 4227, § 1, 11-2-1993)

Sec. 6-1-38. Drivers of horse-drawn carriages.

- A. A driver of a horse-drawn carriage must properly guide the animal and carriage and must properly control the animal and carriage at all times, and:
- B. Must have valid driver's license.
- C. Must obey all traffic laws/rules.
- D. Drivers must be permitted.

(Code 1985, § 39-137; Ord. No. 4227, § 1, 11-2-1993)

VEHICLES

Sec. 6-1-39. Carriage safety equipment.

- A. Prior to the use and operation of any horse-drawn carriage for hire under the provisions of this chapter, the carriage shall be thoroughly examined and inspected by an Inspector and found to comply with this section's requirements. If, at any time, the horse-drawn carriage for hire is found by an Inspector not to comply with the following requirements, the horse-drawn carriage for hire shall not be allowed to be operated on the streets, alleys and public ways of the city until and unless the inspector finds the carriage meets these requirements.
- B. Every carriage operating on the streets, alleys and public ways of the city shall at all times be equipped with all safety equipment and any other requirements in respect to safety as is required by the laws of the state or this Code and all such regulations as may be issued by the city treasurer.
- C. Every horse-drawn carriage for hire operating on the streets, alleys and public ways of the city shall at all times be in a safe and suitable condition for such use and shall have the following:
 - 1. Every horse-drawn carriage shall be equipped with lights clearly visible from the front and rear. One light housing shall be attached to the left side of the carriage and one light housing

shall be attached to the right side of the carriage. The light housings may be of the type that illuminate from the front and rear simultaneously. Viewed from the rear, the lens must be red. Viewed from the front, the lens may be clear or amber. The light(s) must be capable of displaying a light visible 500 feet to the rear and 500 feet to the rear of such vehicle under ordinary atmospheric conditions and such light shall be displayed during the period from one-half hour after sunset to one-half hour before sunrise and at all other times when there is not sufficient light to render clearly discernible any person on the road or highway at a distance of 200 feet ahead of such vehicle.

2. Each carriage shall be equipped with electric turn signals.
3. No company shall use a carriage not equipped with brakes.
4. Each carriage shall be equipped with a slow-moving vehicle emblem to be attached to the rear of the vehicle.
5. Each company is encouraged to use reflective material wherever appropriate on carriages, harness and horse forelimbs.
6. Carriages must be properly lubricated and wheels must spin freely.
7. Each carriage should be equipped with a device to catch horse manure and prevent it from falling on the pavement; all missed droppings should be cleaned up at the end of each trip.
8. Each carriage shall be maintained in a safe and sanitary condition.
9. No horse-drawn carriage may carry more passengers than it was originally intended.
10. Each company shall conduct regular safety inspections of their vehicles. No vehicle shall be allowed into service that has lights, brakes or other safety features that are inoperable. Radio equipped or cellular phone equipped carriages are encouraged.
11. Four-wheel carriages should be equipped with fifth wheel or cut under turning mechanisms on the front axle.

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12. Any other requirements in respect to safety as is required by the laws of the state or this Code and all regulations as may be issued by the city treasurer.
 13. Obey all traffic laws of city and state.
 14. Identifying stickers.
 15. Name of company.

(Code 1985, § 39-138; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4352, § 11, 8-15-1995)

Sec. 6-1-40. Television equipment.

No television set shall be installed or portable model television operated in any horse-drawn carriage.

(Code 1985, § 39-139; Ord. No. 4227, § 1, 11-2-1993)

Sec. 6-1-41. Horse-drawn carriage maintenance.

- A. Every horse-drawn carriage for hire operated in the city shall be kept in a clean and sanitary condition and in such condition of repair as may be reasonably necessary to provide for the safety of the public and for continuation in satisfactory operation.
- B. It is the joint responsibility of the certificate holder and of the driver to maintain the appearance and safety of the horse-drawn carriage for hire and equipment and failure to comply may result in the suspension or revocation of the certificate for public convenience and necessity and/or of the driver's permit.
- C. All carriages are subject to an annual inspection by the permits/license inspector for safe mechanical conditions, with all safety equipment remaining intact and operative.
- D. Any carriage involved in an accident is required to be inspected by the permits/license inspector before going back into service.

(Code 1985, § 39-140; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4941, 5-7-2002).

Driver shall be held to include every person in actual charge of the operation of a horse-drawn carriage.

LICENSING AND CARE OF ANIMALS

Sec. 6-1-42. Licensing of Equines-Powers of Director of Animal Services

A. General

1. As set forth in this chapter every person or business operating a horse-drawn carriage for hire business in the City is required to obtain and maintain a valid certificate of public convenience and necessity (“Certificate”) and every driver of a horse-drawn carriage for hire is required to obtain and maintain a valid Driver’s Permit.
2. Every Certificate Holder is also required to obtain and maintain a valid license for every equine to be used in the horse-drawn carriage for hire business as provided in this section (“Equine License”).
3. The director of animal services shall have authority over the licensing of equines and the enforcement of the provisions of this chapter regarding the care of animals used in the horse-drawn carriage for hire business to promote the health, safety, and well-being of the licensed equines. Compliance with all provisions of this chapter is a continuing condition of every Certificate, Driver’s Permit and Equine License.
4. A driver shall allow the inspection of their horse and/or carriage by an Inspector at any time while they are on public streets. This includes during a trip in which they have been hired if a safety issue is suspected.
5. Holders and Drivers shall be responsible for any violation under this article where it is shown such person had knowledge of the violation, or should have had knowledge of the violation, and made no attempt to prevent it from occurring.

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6. Nothing in the chapter shall preclude the director of animal services or their designees from enforcing all local, state, and/or federal animal cruelty laws.

B. Before any animal is brought into service by the certificate holder, the certificate holder shall obtain an Equine License from the director of animal services, which may be issued only after the equine has been examined by a Tennessee licensed veterinarian who provides service in Shelby County, Tennessee and a listed telephone number. The veterinarian shall certify to the director of animal services in writing that the animal meets all qualification criteria set forth herein after in this section, and that certification shall be presented to the director of animal services for approval prior to issuance of an Equine License for the equine by the City of Memphis. The veterinarian shall provide the following as proof of certification:

1. A veterinary record of a microchip placed in the neck along the nuchal ligament just under the mane.
2. A copy of the animal's veterinary records with the most recent exam being dated no more than 30 days prior to the animal being brought into service.
3. A copy of a negative Coggin's Test.

C. No licensed equine shall be permitted to pull any carriage unless the animal is in good health and meets at least the following requirements:

1. Must be a gelding or mare
2. Must be at least three (3) years old and no greater than twenty (20) years old
3. Must weigh at least one thousand two hundred (1,200) pounds to pull up to eight people, including the driver, as a single puller, and must weigh at least 1,500 pounds to pull a carriage capable of holding up to 30 people and shall only pull such a carriage in a team of two such animals.

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4. Must be of such stamina and in such physical condition, as determined by a veterinarian, to perform the required equine-drawn carriage tasks without any undue stress and effort.

D. The following shall deem a licensed equine unfit for use:

1. Lameness of any kind;
2. Open sores or wounds caused or likely to be irritated by the bearing surfaces of harness, bridle or girths;
3. Signs of emaciation, dehydration or exhaustion;
4. Loose shoes or no shoes; or
5. Uncontrollable behavior.

E. An equine required to be licensed pursuant to this section which fails to meet any of the above criteria may be declared unfit for service and may be ordered removed from work by the director of animal services or his or her designee if the director of animal services or his or her designee determines that removal of the equine is necessary for health and safety reasons or as an immediate protection to the equine or the public. An equine for which such an order has been issued shall not be returned to work until such time as the equine is re-examined and a veterinarian licensed by the State of Tennessee certifies in writing that the equine is fit to return to work using the criteria set forth in this chapter.

F. Should a carriage horse be permanently removed from service, it shall be sold or disposed of in a humane manner.

(Code 1985, § 39-141; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4352, § 11, 8-15-1995; Ord. No. 4941, 5-7-2002)

Sec. 6-1-43 Proper Care of Licensed Equines

A. An equine required to be licensed pursuant to this article must receive the following routine veterinary care to remain compliant with this chapter:

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1. A full soundness exam every six (6) months by a veterinarian licensed by the state of Tennessee
 2. Treatment for internal parasites or fecal floatation egg counts every four (4) months under the direction of a veterinarian licensed by the State of Tennessee, and treatment for external parasites whenever they are found to be present.
 3. Hoof trimming and shoes reset every six (6) to eight (8) weeks using caulks or borium to prevent slippage and rubber shoes or pads to prevent concussion injuries; shoes shall be shod in a manner approved by the director of animal services and shall have non-skid base surfaces.
- B. A preventative vaccination/ veterinary record affirming these standards are met shall be maintained by certificate holder and must be available for inspection on demand by the director of animal services or their designee, to include:
1. Current license of the equine being used;
 2. Current picture of the equine;
 3. Current health certificate of the equine;
 4. The equine's body condition score, certified every six (6) months by a veterinarian licensed by the State of Tennessee; and
 5. Description and location of any other identifying characteristics, marks and brands of the equine.
- C. The animal must be kept clean, especially those areas in contact with the harness or other tack, as well as groomed daily when in service and must not have fungus, dandruff or a poor or dirty coat.
- D. Each animal must be fed at least twice daily and shall have access to forage and feed in the amount to keep appropriate body condition score. The forage and feed shall be kept clean, fresh and must be of good quality.
- E. Each animal must have accessible potable drinking water provided in the stable at all times.

F. An animal shall be properly exercised when not working.

G. Holders and drivers shall ensure that each equine is offered potable drinking water in an appropriate container after every fare.

Sec. 6-1-44. Conditions of Use of Licensed Equines.

A. A Licensed Equine shall not be worked under any of the following conditions:

1. Pulling a carriage at a speed faster than a slow trot;
2. Pulling a carriage at top speed for more than thirty (30) minutes;
3. With equipment causing an impairment of vision other than normal blinders;
4. Any condition which will impair the good health and physical condition of the animal or that subjects the animal to cruel or harassing treatment.
5. Pulling a carriage that has music or other amplified sound played above 85 dB, or at any level below that which causes the animal distress.
6. Pulling a carriage on a public highway, path or street during conditions which are determined by the director of animal services or their designee to pose a threat to the health, safety or well-being of the equine, passengers, or general public.
7. If conditions develop while an equine is being worked, said equine shall be returned without delay to the stable by the most direct route and, if the threat posed is an immediate one, then the return of the equine to the stable shall be by equine trailer.

B. Shifts

1. Holders and drivers shall ensure that any licensed equine does not work more than eight (8) hours in a 24-hour period as reflected by pulling fares in the logbook. Carriages may be in service for up to ten (10) hours so long as no more than eight (8) of the ten (10)

hours are active pulling fares. An equine must have least a fourteen (14) continuous hour rest period within each twenty-four (24) hour period. Equines shall be considered as working if the equine is pulling a carriage that is being presented to the public as a carriage for hire.

2. Certificate Holders and Drivers shall provide equines a minimum ten (10) minute rest period between fares in excess of one (1) hour. Certificate Holders and Drivers shall provide equines a reasonable rest period between fares less than one (1) hour.
3. Certificate Holders shall keep a current log in each stable showing each equine's use. A Certificate Holder shall keep on the premises of the stable where the Licensed Equines are kept a consecutive daily record of the movements of each Licensed Equine, including driver's name and identification number, equine's identification number, vehicle identification tag number, and a daily manifest on each equine. Such records shall be made available, at any reasonable time, for inspection by the director of animal services or his or her designee.
4. If a Licensed Equine must return to the stables due to inclement weather or equipment replacement, it may return to operation to complete the same shift but may not extend that shift beyond ten (10) hours from the start of the shift.

C. Weather.

1. Certificate Holders shall check the temperature for the City of Memphis every thirty (30) minutes while they have carriages in service and document in the daily record for horses in service that day. This verification shall be done by using a reputable weather website. If the temperature is at or above 95° Fahrenheit or at or below 32° Fahrenheit, animals may not be put into service and shall not be outside of the barns or stables.
2. All Certificate Holders and Drivers shall work their horses only when safe weather conditions exist. Special attention and discretion should be used during periods of snow, ice, heavy

rain, high humidity, or extreme wind chill. Proper shoes should be used during icy conditions.

3. Should the director of animal services determine that special circumstances exist which would jeopardize the safety of the a Licensed Equine, such as a significant weather event or other environmental problems, the director may order the temporary suspension of the operation of all horse-drawn carriages for hire until such time as the special circumstances no longer exist.

(Code 1985, § 39-142; Ord. No. 4227, § 1, 11-2-1993)

Sec. 6-1-45. Equipment

A. Certificate Holders and Drivers shall ensure that pads and other pieces of tack are kept clean and in a safe and serviceable condition. No Licensed Equine will be worked with a harness or bit that is not approved by a qualified and approved veterinarian.

1. The harness must be oiled and cleaned to be soft at all times.
2. The harness shall be properly fitted and maintained. Wire, sisal, rope, rusty chains or other substandard additions to the harness are prohibited.
3. The harness shall be examined every 6 months by a veterinarian licensed by the state of Tennessee.

B. The use of whips is prohibited except in situations presenting imminent danger to human or equine safety. Certificate Holders and Drivers are restricted to the use of a “buggy” style whip at times of imminent danger. All other whip styles are prohibited in all situations.

C. Equines licensed under this chapter will be fitted with a diaper or proper collection bag for animal droppings.

1. A Driver shall empty the horse’s diaper prior to the beginning of each trip for hire.

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2. A Driver shall not allow excrement to drop from the equine's diaper and will ensure that the diaper bag is properly fastened to the equine as outlined by the manufacturer's instructions.
 3. It shall be the responsibility of the Certificate Holder to take the necessary steps to keep all streets, alleys, sidewalks, and other public ways of the city cleared of animal droppings.

D. Each Driver shall dilute horse urine with a deodorizing, non-toxic liquid right away. The driver shall not impede traffic while doing so and if necessary, shall clean up any missed urine at the end of each trip.

(Code 1985, § 39-143; Ord. No. 4227, § 1, 11-2-1993); (Code 1985, § 39-144; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4941, 5-7-2002)

Sec. 6-1-46. Stalls and stables.

- A. Stables for housing of equines and carriages shall comply with all zoning laws and ordinances of the city of Memphis and Shelby County and shall be no less than one hundred (100) feet from any dwelling.
- B. Such facilities shall conform to all health and sanitation regulations and shall be open for inspection by the director of animal services and their designees at all reasonable times, with or without prior notice.
- C. All stables used for housing horses shall be well lighted and ventilated.
- D. Foot hazards and sharp surfaces will not be permitted in any area or building where the Licensed Equines may be injured by such hazards and surfaces.
- E. All stables shall have standing stalls of sufficient dimensions to allow each equine to enter, stand, turn around, and lie down in a natural manner, and protect from adverse weather. The stalls shall be enclosed on all four (4) sides and shall have a solid exterior wall and a solid roof free of leaks.

F. Tie stalls shall be a minimum of 46 feet by ten feet. Horses that are not turned out daily should not be kept in tie stalls.

G. Stables and stalls shall be clean and dry. Sufficient bedding of straw, shavings, or other suitable material shall be furnished and changed as often as necessary to maintain the stables and stalls in a clean and dry condition. Bedding for concrete floors shall consist of at least six (6) inches of materials. Bedding for clay, dirt or rubber base floor shall consist of at least three (3) inches of materials.

H. A pest control program shall be used to control flies and other insects.

I. All interior and exterior areas of the stable shall be kept clean, properly drained and free of nuisances including, but not limited to, odors and accumulation of refuse and excrement.

J. There shall be no smoking at any time in stables.

(Code 1985, § 39-146; Ord. No. 4227, § 1, 11-2-1993)

(Code 1985, § 39-147; Ord. No. 4227, § 1, 11-2-1993)

(Ord. No. 5421, § 1, 11-1-2011)

Title 8 - ANIMALS¹

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CHAPTER 8-1. SCOPE OF CHAPTER AND DEFINITIONS

Section 8-1-1 Scope of Chapter

Conduct which is in violation of this Chapter shall constitute an ordinance offense for which a summons may be issued.

This title does not bar, suspend, or otherwise affect any right or liability for damages, penalty, forfeiture, or other remedy authorized by law to be recovered or enforced for a criminal offense as set forth in Title 39 of Tennessee Code Annotated, or in a civil suit for conduct that the state criminal code defines as an offense, and the civil injury is not merged into the offense.

Sec. 8-1-2. – Definitions.

As used in this chapter, the following terms shall have the meanings ascribed to them herein, except when the context requires otherwise:

Abandonment means an animal that has not been provided adequate conditions as defined in this chapter, and whose owner failed to respond within 24 hours to an official notice left by animal services officers at the location where the dog is kept.

Adequate care shall include but not be limited to current vaccinations and/or medical treatment for illness, injury, disease, excessive parasitism, or any malformations; regular grooming to prevent matting which could lead to disease or injury; and nail clipping so no toenail grows long enough to penetrate the paw or affect the normal position of the paw.

Adequate conditions shall include but not be limited to adequate care, food, shelter, general maintenance, and water as defined in this section.

Adequate food means food that is not spoiled or contaminated and is of sufficient quantity and quality to meet the normal daily dietary requirements for the condition and size of the animal. Adequate food may be impacted by the environment in which the animal is kept and must be taken into account by the owner/custodian. An animal shall be fed or have food available at least once each day, unless a licensed veterinarian instructs otherwise, or withholding is in accordance with accepted agricultural or veterinarian practices. Food stored outside must be kept in sealed containers to prevent vermin from accessing it.

Adequate shelter means a four-sided ventilated structure in good repair with an entrance on one side, a roof, and a solid floor and allows the dog to remain reasonably dry and maintain normal body temperature. The dimensions of the entrance and structure shall allow each dog present to enter, stand, turn around, and lie down in a natural manner, whether in the same structure or by providing multiple structures, and protect the dog from adverse weather and direct sunlight. During cold weather, the structure must contain bedding material that is sufficient to promote the retention of body heat and during summer months a separate natural or artificial shaded area must be available outside the structure and accessible by the dog. “Adequate shelter” does not include the space under buildings, decks, steps, or open crates and carriers designed for temporary housing unless modified to meet the requirements of this section. The shelter shall be cleaned regularly enough so as not to force the animal to stand, sit or lie in bodily waste. The enclosure in which the structure is located must be of a square footage sufficient to allow the dog to defecate at one end and lie at least twice its length away at the other end of the enclosure.

Adequate water means potable water provided continuously and changed out no less than once daily. The animal must have uninhibited access to the water. Adequate water may be impacted by environment

in which the animal is kept and must be taken into account by the owner/custodian.

Animal means a domesticated living creature or species of life different from man or plants or a wild creature previously captured and domesticated.

Animal services officer means any person assisting the animal services director authorized to impound animals and issue ordinance summons.

Animal services director means a person in charge of the city's animal services division, as designated by the Mayor, and hereafter referred to as "director."

Bite Scale means a standardized measurement tool used for determining the severity of a bite inflicted on a human or animal based on the physical damage the bite causes to the victim.

Cat means any animal of the domestic feline family.

Community cat means a cat that lives outdoors, is unowned/semi-owned, and free-roaming typically in a colony. Behavior is not an indicator of community cats as they can be friendly or "feral"(unsocialized). An ear-tip is an indicator that the cat is a community cat and has been sterilized.

Companion animal means domesticated animals kept in or near the household for the primary purpose of companionship for members of the household and/or companionship for other such animals. This includes dogs, cats, rabbits, guinea pigs, hamsters, domesticated rats, domesticated mice, ferrets, birds, reptiles, amphibians, invertebrates, and any other species that a reasonable person would consider to be a pet.

Competent person means any person 18 years old or older, who is able to comprehend and understand the nature of their responsibility, and has sufficient ability, mentally and physically, to handle any particular animal he or she may take charge of or have in their control.

Cruelty shall be defined in accordance with Tenn. Code Ann. § 39-14-202.

Dangerous dog for the purposes of this ordinance means any dog which:

- a. attacks and bites a person, animal or community cat without provocation, causing serious illness, injury or death including but not limited to a major fracture, muscle tears, or lacerations requiring multiple sutures or corrective or cosmetic surgery;
- b. any dog previously declared dangerous in a court of law;
- c. any dog owned or harbored for the purpose of dog fighting, to include animals bred for this purpose;
- d. any dog that has committed a bite that scores at least a level 3 or higher on a nationally recognized bite scale as defined herein and been found at-large twice;
- e. any dog that has bitten twice with at least one of the bites scoring a level 3 or higher on a nationally recognized bite scale as defined herein.

Dog means any animal of the canine family.

Ear tip means a procedure to remove the distal one-quarter of a cat's left ear for identification purposes and done under anesthesia during a sterilization surgery.

Employee means any person employed by the city under the management of the city's animal services division.

Fee schedule means fees charged for any services requiring payment at animal services, which shall be approved by the animal services director and authorized by passage of a resolution by the council. A current copy of the fee schedule shall be posted on the city of Memphis' website and in a conspicuous place in the Memphis Animal Services facility.

Fertile/unaltered animal means an animal which can produce offspring.

Fowl means any domesticated or undomesticated chickens, ducks, geese, turkeys, or other such birds as may be so designated by the director of the city's animal services division.

General Maintenance means adequate care, conditions, food, shelter and water as defined by this chapter and encompasses all reasonable measures to promote the health and safety of the animal.

Gross Neglect means a conscious and voluntary disregard for adequate conditions as defined herein, which is likely to cause foreseeable grave injury or harm to a companion animal. Gross neglect is conduct that a reasonable person would consider extreme when compared with ordinary neglect or mere failure to provide adequate conditions.

Guard dog means any dog trained or used to protect persons or property by attacking or threatening to attack any person found within the area patrolled by the dog. Subject to the regulations set forth herein, nothing shall prohibit or limit a person's right to possess a dog for protection to their person or property. No person shall use a dog as a weapon or to threaten or harass other persons or animals.

Humane trap means a cage equipped with a trap door which, when tripped, locks an animal or fowl within the structure unharmed.

Inclement weather conditions shall mean rain, hail, sleet, snow, high winds, extreme low temperatures, or extreme high temperatures, or any

environmental condition sufficient to threaten the health and/or safety of a companion animal.

Livestock means animals such as cattle, cows, swine, sheep, horses, mules, goats, or any animal designated as such by the director of the city's animal services division.

Ordinance summons means a written order to appear in court for alleged violations of any part of this chapter, issued by an animal services officer.

Owner means any person, partnership or corporation owning an animal; or any person who feeds, shelters, or harbors an animal or permits it to remain on the person's property. If any dog is found on the premises of any person for a period of ten days or more, it shall be prima facie evidence that such dog belongs to the occupant of such residence. Any person keeping or harboring a dog for (10) consecutive days shall, for the purpose of this chapter, be declared to be the owner thereof, and liable for violations of this title. If the animal is owned by a person under the age of 18 that person's parent or guardian shall be liable.

Properly Fitted Collar or Harness means a band of material specifically designed to be placed around the neck of a dog or a set of straps constructed of nylon, leather, or similar material, specifically designed to restrain or control a dog that is:

- a. appropriately sized for the dog based on the dog's measurements and body weight;
- b. does not choke the dog or impede the dog's normal breathing or swallowing; and
not cause pain or injury to the dog.

Provocation, regarding a dangerous dog means and includes trespass on property, teasing and release of the dog from its restraint, an attempt to

injure the dog or the dog's owner or the individual in possession thereof or other such actions. Entry on property by persons with actual or implied permission of the owner or occupant, including a postal service employee or other authorized government or service employee, shall not in and of itself be characterized as provocation. Provocation can also include actions by another animal which justifiably incited the attack. The burden of proof as to provocation shall be with the owner of the dog.

Restraint means a chain, rope, tether, leash, cable, or other device that attaches a dog to a stationary object or trolley system.

Severe injury means any physical injury that results in broken bones, multiple punctures, or disfiguring lacerations, requiring sutures or cosmetic surgery.

Shelter-Neuter-Release (SNR)/Trap-Neuter-Release (TNR) means stray, owned or unowned, cats who are brought into the custody of the shelter, spayed/neutered, ear-tipped, vaccinated, and returned to location of pick-up.

Steel trap means a contraption which, when engaged, locks an animal or fowl in place by applying pressure against any part of its body.

Sterile/altered animal means an animal which has been surgically rendered incapable of producing offspring.

Unprovoked attack means an attack in which an animal without provocation as defined herein attacks or bites a human being or another animal.

Chapter 8-2.- ANIMALS GENERALLY

Sec. 8-2-1. - Trapping Animals

It is unlawful for any person to set or bait any steel leg-trap or other contrivance which would maim, mutilate or seriously injure any animal, excluding animals commonly referred to as vermin.

Sec. 8-2-2. - Striking or hitting an animal with a moving vehicle

It is unlawful for any person driving a vehicle to strike or hit any animal upon a public right-of-way or any public property without stopping and assisting the animal, or in the alternative notifying Memphis Animal Services or the Memphis Police Department immediately, excluding animals commonly referred to as vermin as contemplated in Code of Ordinances Title 9 Health & Safety.

Sec. 8-2-3. - Disposal of Animals

No person shall leave or throw into any stream or river, nor leave exposed or bury the body, or any part thereof, of any animal, nor shall the same be kept where it may be dangerous to the life or detrimental to the health of any person. The sanitation services division of the city shall be promptly notified by the owner/discoverer of any deceased animal and where it is located. The animal will be scanned for a microchip, animal services notified if a microchip or other identifying information is found, the deceased animal will then be removed and disposed of in a sanitary manner.

Sec. 8-2-4. - Roadside sale of animals prohibited

A. It shall be unlawful for any person, firm or corporation to attempt to sell, exchange, trade, barter, lease, rent, donate or display for a commercial purpose any animal on any roadside, public right-of-way, parkway, median, park, playground, swimming pool, other recreation area, or commercial or retail parking lot that is generally accessible by the public, regardless of whether such access is authorized.

B. This section shall not apply to any city animal shelter or nonprofit organization founded for the purpose of providing humane

sanctuary or shelter for abandoned or unwanted animals pursuant to TENN. CODE ANN. § 39-14-210 or any dealer licensed to sell at a flea market pursuant to TENN. CODE ANN. § 44-17-101 et seq.

C. This section shall not be construed to prohibit the sale of certain animals by those engaged in the business of selling the same for consumption and who have obtained the appropriate licenses or permits to conduct such activity.

D. This section shall not be construed to prohibit a properly licensed for-profit store from selling or donating any animals on the walkway or parking lot immediately adjacent to such store's physical address.

E. The sale, exchange, trade, barter, lease, rent, donation or display for a commercial purpose in violation of this section shall constitute for each animal a separate violation and be punishable by a fine in accordance with an amount allowed under state law for city ordinance violations.

F. Upon issuance of an ordinance summons for a violation of this section, the violator must immediately discontinue the activity.

Sec. 8-2-5. – Kennel Licenses

A. Persons desiring to operate a commercial kennel where dogs and/or cats are owned, bred and/or held for sale must have an active kennel license issued by Memphis Animal Services to operate.

B. Prior to moving any animals into the facility, the person must submit a request to Memphis Animal Services for a kennel inspection via the online inspection request form available on the city's website.

C. Within 30 days of receipt of the request the requester will be notified when their inspection will occur.

- D. At the time of inspection, an Animal Services officer will inspect the facility for adequate care and conditions and determine the maximum capacity of the facility.
- E. Once the inspection is complete, the owner must show proof of inspection in-person at Memphis Animal Services to purchase a kennel license in accordance with the current fee schedule as defined in this chapter.
- F. Persons holding an active kennel license shall not be required to pay the license fee prescribed in § 8-3-2, provided they can produce evidence that all dogs and cats on the property 12 weeks and older have been vaccinated for rabies and such vaccinations are current.
- G. A kennel license is valid for one year, beginning during the month of purchase and expiring during the same month of the following year, and thereafter purchased annually on the same basis. Renewals require a reinspection to verify capacity/ conditions at the facility and must be requested at least 30 days prior to the expiration of the existing license. No license is transferable.

Chapter 8-3.- DOGS & CATS

Sec. 8-3-1. - Animal Neglect and Animal Cruelty

- A. Pursuant to this chapter, animal services may impound any animal suffering from gross neglect as detailed herein or animal cruelty.
- B. Any person who shall, voluntarily or by necessity, take custody of any animal, on any property, shelter, or other place, shall supply to that animal adequate care, conditions, food, shelter, and water as defined in § 8-1-2 of this chapter.
- C. Owners/custodians shall not allow any companion animal that is pregnant, nursing, or less than six months old to remain outdoors

during inclement weather conditions unless such animal is accompanied by a custodian, keeper, or handler. In the event of extreme weather, as determined by the director of animal services, the owner/custodian must make alternate housing arrangements to ensure the health and safety of the pet if the provided shelter does not offer adequate protection from heat or cold exposure.

D. Inhumane transport of animals. No person shall carry or cause to be carried in or upon any vehicle or other conveyance, any creature in a cruel, inhumane, or unsafe manner. Whenever any person in violation of this section is taken into custody by an officer, the officer may take charge of such vehicle or other conveyance and its contents and deposit the same in some safe place of custody. Any necessary expense incurred for taking charge of and keeping and sustaining the vehicle or other conveyance and its contents shall be paid before the vehicle or other conveyance can be recovered.

E. Abandonment of dogs. No person may intentionally, knowingly, recklessly or with criminal negligence leave a dog at a location without providing adequate care as defined in this section, release a dog they have taken into their custody to run at-large, or tether the pet to a structure they do not own with the intent of abandonment. This includes dogs abandoned on the property of an animal shelter, veterinary clinic or any commercial or residential property.

F. If the Animal Services Director or an Animal Services Officer determines that evidence exists that any person has committed acts of animal neglect or cruelty knowingly, willfully or with gross neglect for the welfare of the animal, then misdemeanor or felony cruelty charges will be issued by the Memphis Police Department, in addition to any summons for an ordinance violation of this Chapter.

Sec. 8-3-2. - Dog license tags required / Cat Vaccination required

- A. Dogs—Licensing and vaccination. It is unlawful for any person to own, have, harbor, keep or to cause or permit to be harbored, or kept in the city, any dog three months old or over, unless a current city license tag has been issued for such dog, subject to the exceptions provided in § 8-2-5(F). Prior to the issuance of a city dog license tag, the animal must receive a vaccination for rabies, or the owner of the animal must provide evidence that such animal has been so vaccinated and such vaccination is still current. In addition to the cost of the rabies vaccination, a city dog license tag shall be required for a 12-month period, beginning during the month of purchase, and expiring during the same month of the following year, and a license must thereafter be purchased annually on the same basis, in advance of such expiration date. Fees vary based on whether the animal is fertile or sterile, in accordance with the city's current fee schedule as defined in this chapter.
1. No license is transferrable.
 2. A city dog license tag may be purchased from the veterinarian at the time of vaccination or can be purchased at Memphis Animal Services.
 3. If the license is purchased from a veterinary clinic, the veterinarian issuing the license may collect an agent's fee of \$1.00 for this service.
 4. If the license is purchased from a non-veterinarian source, such as Memphis Animal Services, the purchaser shall exhibit records from a licensed veterinarian, describing and identifying the animal and certifying its sterility, to pay the proper license fee. No license is transferable.
 5. In the event a dog tag or license is lost, stolen or unavoidably mutilated, or damaged, the owner may apply for a duplicate

license and tag. After investigation and upon payment of a fee in accordance with the city's current fee schedule as defined in this chapter, the director may, at their discretion, issue a duplicate license and tag.

- B. Cats—Vaccination. It is unlawful for any person to own, have, harbor, keep or to cause or permit to be harbored, or kept in the city, any cat three months old or over, unless such person holds a current certificate of rabies vaccination for each such animal, subject to the exceptions provided in § 8-2-5(F).
- C. The provisions of this section regarding licensing shall not apply to nonresidents traveling through the city or if the animal is staying temporarily for a period of less than 30 days.

Sec. 8-3-3. - Mandatory Spaying & Neutering of Cats & Dogs

No person shall own, harbor, or keep within the city a dog or cat which has not been spayed or neutered. It is a defense to prosecution under this section that:

1. The animal is under six (6) months old;
2. A licensed veterinarian has certified within the past year that the dog or cat should not be spayed or neutered for health reasons or is permanently infertile;
3. The animal is being held for adoption by animal services or an animal welfare organization with an active 501(c)3;
4. The dog is documented as having been appropriately trained and actually being used by public safety agencies for law enforcement or search & rescue activities, or such dogs designated as breeding stock for law enforcement or search & rescue by an appropriate agency or organization and approved by the director of animal services;

5. The dog is designated by an appropriate agency or organization as breeding stock for service dogs such as guide dogs, hearing dogs, assistance dogs, seizure alert dogs, or social/therapy dogs, and approved by the director of animal services;
6. The dog is appropriately trained and actually being used for herding of other animals, or as a livestock guardian dog, hunting dog, or such dogs designated as breeding stock for these functions by an appropriate agency or organization and approved by the director of animal services;
7. The dog or cat is registered with a purebred dog or cat club, approved by the director of animal services, that maintains and enforces a code of ethics for breeding that includes restrictions on breeding dogs and cats with genetic defects and life-threatening health problems common to the breed.
8. The owner produces to the court proof of sterilization from a licensed veterinarian showing the dog or cat was sterilized at the time the summons was issued, or not later than 30 days after the summons was issued; or
9. The owner holds a valid fertile permit under § 8-3-4.

Sec. 8-3-4. – Fertile Permit

- A. Owners of fertile pets and not qualifying for any of the exemptions listed in § 8-3-3 must purchase a fertile permit in person during regular business hours from the division of animal services in accordance with the current fee schedule as defined in this chapter.
- B. A separate permit is required for each unsterilized dog or cat. Each permit authorizes the whelping of no more than one litter per female in any 12-month period and no more than one litter per domestic household in any 12-month period.
- C. The dog or cat must follow the vaccination requirements as defined in the Sec. 8-3-2 of this chapter to be eligible for a fertile permit.

- D. The dog or cat must be microchipped to be eligible for a fertile permit.
- E. Animals impounded for violation of this chapter are not eligible for a fertile permit purchase at the time the animal is reclaimed at Animal Services and must be spayed/neutered before leaving the facility unless another exemption defined in this chapter is met.
- F. The director shall revoke a fertile permit if animal services determines that the permittee:
 - 1. Failed to comply with any provision of this chapter;
 - 2. Allows the offspring of a permitted dog or cat to be sold, adopted, or otherwise transferred, regardless of compensation, before the offspring have reached at least eight weeks old and have been vaccinated against common diseases;
 - 3. Intentionally made a false statement as to a material matter to obtain a fertile permit.

Sec. 8-3-5. -Mandatory Microchipping

- A. The owner or custodian of any dog or cat must have the animal implanted with a registered microchip before the animal is six (6) months old or within thirty (30) after acquired if over six (6) months.
- B. A dog or cat is exempt from this requirement if the dog or cat is determined in writing to be medically unsuitable for microchipping by a licensed veterinarian.
- C. The owner or custodian of a dog or cat shall maintain current registration with a microchip registration company.
 - 1. The owner or custodian shall update contact information, including new address or telephone number with the microchip registration company within thirty (30) days of the change in contact information.

2. After any change in ownership of a registered dog or cat, the initial owner or custodian shall be responsible for notifying the microchip registration company of a change in ownership within thirty (30) days of transfer to the new owner. The new owner or custodian shall be responsible for re-registering the microchip to have the registration information transferred to the new owner's or custodian's name within thirty (30) days after the change in ownership and for maintaining current contact information as described herein.

D. It is a violation of this ordinance for any owner or custodian to fail to microchip or maintain current registration as described herein.

E. It is a defense to prosecution under this section that:

1. The animal owner is a non-resident of this city or has been a resident of this city for fewer than thirty (30) days;
2. The animal is abandoned or lost and the temporary custodian possessed the dog or cat for fewer than thirty (30) days; or
3. The owner produces to the court proof of microchipping from a licensed veterinarian showing the dog or cat was microchipped at the time the summons was issued, or not later than 30 days after the summons was issued.

F. Memphis Animal Services shall be authorized to provide funds, if available, to defray the cost of microchipping any dog or cat for any owner that cannot afford the cost thereof.

Sec. 8-3-6. - Dogs Running at-large

A. Generally. Dog owners or custodians shall always keep animals on a leash or other suitable restraint (as defined in subpart C) or confined by a fence on their property or, with permission, the private property of another. Dogs shall be restrained to prevent the animal from being at-large; biting; harassing any person engaged in a lawful act; interfering with the use of public or private property; or violation of

any other section of this code. Unless confined by a fence or other suitable restraint, no animal shall be permitted to run at-large on the property of the owner or custodian of such animal.

B. Walking Dog on a Leash. Any person walking a dog on public property including sidewalks, or on the private property of others, must always keep the dog on a leash and under physical control. Physical control means the ability to restrain the movement of the dog. The leash must be kept in good condition, of sufficient strength to prevent breaking under pressure; and of material generally resistant to chewing or gnawing by an animal. The length of a leash must be sufficient to always control the dog from harassing pedestrians or other animals.

C. Methods of Restraint.

1. *Dog restrained by traditional fencing.* To prevent the dogs from escaping fencing must be in good condition and maintained, of recognized construction methods, and of adequate size for the number and size of dogs. Entry or exit gates must be properly secured by a latching or locking mechanism. Fences should be at least 2½ times the height of the animal it is intended to restrain. The height of the dog is measured at the dog's shoulder when the dog is standing on four legs. If should a dog escapes from a fence, either by climbing or digging, additional fencing height, kennels, or other restraint methods may be required. Fencing must be sufficient to make an in-heat female dog inaccessible to any male dog and prevent the female dog from running at-large. Existing fencing, regardless of height, will be considered acceptable means of restraint unless and until a written and verified complaint is filed with Memphis Animal Services.

2. *Dogs restrained by invisible fencing.* As an alternative to traditional fencing, tie-outs or overhead cable runs, a dog may be

restrained with invisible fencing properly set up and maintained. The following conditions must be met:

- a. The system must be rated for use by dogs, installed according to manufacturer's instructions, and properly maintained.
 - b. The dog must receive training regarding the boundaries of the fencing.
 - c. The fencing must be sufficient to make an in-heat female dog inaccessible to any male dog and prevent the female dog from running at-large.
 - d. Two warning signs of a minimum six inches by eight inches (6"x8") visible from the public sidewalks and public streets or driveways must be placed on the fenced yard. The signs must include the following: "Dog is contained by electronic device" or similar wording, the name, logo/trademark, address and telephone number of either the company that installed the system or the company that maintains the system.
3. *Dog restrained by tethering.* As an alternative to fencing, dogs may be restrained by tether. No person shall allow any dog restrained by tether to remain outside and unattended unless ALL of the following conditions are satisfied:
- a. The tether is not unreasonably heavy in proportion to the weight of the animal.
 - b. A swivel is located at both ends of the tether and the tether is free of tangles.
 - c. The collar or harness on the animal to which the swivel is attached is a properly fitted collar or harness as defined in this chapter. The collar must be made of a material which poses no risk of lacerations. Choke and pinch collars are not permitted on tethered dogs.
 - d. The tether is not less than 10 feet in length.

- e. At all times, the animal has access to water, shelter, dry ground free of standing water and animal waste, and access to adequate food.
- f. The animal is at least 3 months old and has a current rabies vaccination with its tag visibly displayed.
- g. The animal is not sick or injured.
- h. If used, pulley, running line, or trolley systems are installed according to manufacturer's instructions and do not pose a safety risk to the dog.
- i. If there are multiple animals, each animal must be tethered separately.
- j. The tethering device shall allow the tethered dog to lie down comfortably in all positions of tether.
- k. Dogs restrained by tie-outs or overhead cable runs must be spayed or neutered, even if otherwise subject to any exemption in this chapter.

D. Exemptions

- 1. Dogs employed as police, service, therapy and search and/or rescue dogs are exempt from the requirements of this section while used in their working capacity or while engaged in a training program with a recognized organization or government agency that regularly trains dogs for such use.
- 2. Dogs off-leash in areas designated for such use by departments of city government, or on grounds under their jurisdiction, and dogs engaged in conformation, competition, or performance related events on public or private property.

E. Prima Facie Evidence. If a dog is found running at-large by animal services employees, the incident shall constitute prima facie evidence that current restraint methods are inadequate. The owner shall be required to correct any conditions that permitted the dog to run-at-large or provide such additional restraints as necessary to secure and maintain the restraint of the dog.

Sec. 8-3-7. - Defecation by Dogs or Cats

- A. It is unlawful for any owner/custodian of any dog or cat to fail to promptly remove and dispose in a sanitary manner of feces left by a dog or cat on property, public or private, other than the premises of the owner or custodian of such dog or cat.
- B. Persons owning pet dogs or service dogs, such as seeing eye dogs, who are legally blind or confined to a wheelchair and thereby physically incapable of disposing of feces left by their animal, are exempt from this law.

Sec. 8-3-8. - Guard Dogs

It is unlawful for any person to place or maintain guard dogs in any area of the city for the protection of persons or property unless the following provisions are met:

1. The guard dog shall be confined, or the guard dog shall always be under the absolute control of a custodian when not confined by way of lead or leash.
2. The owner or other persons in control of the premises upon which the guard dog is maintained shall post warning signs stating that such a dog is on the premises. At least one such sign shall be posted at each driveway or entranceway to said premises. Such signs shall be in lettering clearly visible from either the curb line or 50 feet, whichever is less, and shall contain a telephone number where some person responsible for controlling such guard dog can be reached 24 hours a day.
3. The above provisions shall not be applicable to dogs used in law enforcement by federal, state, or local law enforcement agencies.

Sec. 8-3-9. - Examination for Rabies

A. If any dog or cat has bitten any person and breaks the skin or is suspected of being infected with rabies, it shall be the duty of the owner or custodian to notify Memphis Animal Services within twenty-four (24) hours of the bite, and to quarantine the pet for a ten (10) day period. The animal shall be restricted to a building, pen, or other escape-proof enclosure and monitored for signs of rabies. Signs and symptoms of rabies can be found in the National Rabies Compendium on the Centers for Disease Control and Prevention website available at www.cdc.gov.

B. *Quarantine*

1. Within twenty-four (24) hours of the bite incident or first indication of rabies, the owner/custodian must contact Memphis Animal Services to provide proof of current rabies vaccination and to begin quarantine process at home or at a licensed veterinary clinic.
2. The owner/custodian must provide secure containment for the animal during the quarantine. If on day eleven (11) the pet is exhibiting symptoms consistent with rabies, the owner must present the pet to a licensed veterinarian for examination. Written certification from the examining veterinarian of negative rabies status shall be provided to Memphis Animal Services within twenty-four (24) hours of receipt from veterinarian.
3. The owner/custodian must complete all documents provided by Memphis Animal Services to fulfill compliance requirements for this section.
4. At the end of the quarantine period and no later than thirty (30) days of the bite incident, the animal must provide proof of or, if not previously, be fitted with a microchip implant and

spayed/neutered even if otherwise subject to any exemption in this chapter.

C. Special Circumstances

1. The director of Memphis Animal Services may order the quarantine completed at the MAS facility if the attack resulted in a severe bite, mauling, and/or human death, the animal has a history of running at-large, or the animal is not properly confined by the owner during the quarantine period.
2. Any stray, unowned, or apparently abandoned animal that bites a human being will be held for ten days. At the end of the ten-day holding period, the animal may be euthanized in an expeditious and humane manner. Any animal determined to have been involved in a bite incident and held for less than ten days shall be tested at the state laboratory for rabies.

Sec. 8-3-10. - Dangerous Dogs; Determination of Dangerous Dog

A. If an animal services officer initially determines that a dog should be classified as dangerous as defined in this chapter or under Tennessee Code Annotated § 44-17-120 (a), notification will be sent to the owner or other responsible party. A mandatory ordinance summons shall be issued to the owner/custodian by the animal services officer citing the code section violated and setting a date to appear in a court of competent jurisdiction for a determination. Any decision of the court shall be final, subject to appeal to a higher court of competent jurisdiction.

1. In the alternative a petition may be filed by Memphis Animal Services with the general sessions court, pursuant to TENN. CODE ANN. § 44-17-120 (b), for a disposition order for the dangerous dogs or dogs causing death or serious bodily injury to humans or other animals.

2. If the owner does not appear before the court within five (5) days of the receipt of notice and show cause why the dog should not be destroyed, then the order shall issue and the dog shall be destroyed.

B. Upon receipt of summons, the owner/custodian shall place their pet into a secure boarding facility until a final decision is issued by a judge. The owner/custodian has following options for secure boarding:

1. Upon payment of security bond to Memphis Animal Services according to the current fee schedule as defined in this chapter, the owner/custodian may board the dog at a licensed veterinary clinic at the owner/custodian's sole expense. The veterinary clinic must confirm in writing to the animal shelter director that the animal will be boarded in a private, licensed veterinary clinic. The purpose of the security bond is to insure compliance pending all court appearances.
2. Alternately, without a security bond and at the owner/custodian's request and sole expense, the dog may be kept at Memphis Animal Services. The owner shall pay the daily boarding rate for each day or fraction thereof the dog remains at the shelter in accordance with the current fee schedule as defined in this chapter. The owner must pay for thirty (30) days of care in advance. After the initial payment and until the court authorizes the release of the animal, the owner/custodian must pay the charge in advance, keeping the account ahead thirty (30) days.
3. Alternately, the owner/custodian may elect to surrender the dog to Animal Services with a signed document requesting the dog be euthanized.

4. All payments to Memphis Animal Services must be made within ten (10) days of issuance of the summons or within twenty-four (24) hours of the defendant's initial court appearance whichever comes later. If the bond or boarding fees are not paid as required in this section, the animal shall be deemed forfeited.

5. After the satisfaction of fees, fines, and/or court-ordered payments, overpayments shall be returned to the owner/custodian within a reasonable time after of the final disposition of the case.

C. Failure of an owner to respond to the ordinance summons shall result in the animal being declared a dangerous dog by operation of law. The owner/custodian is deemed to have waived all rights to a hearing on the dog's classification. The animal shall be surrendered to Memphis Animal Services immediately or it shall be impounded. A show cause notice shall be issued requiring the owner/custodian to appear before the court within five (5) days to show cause why the dog should not be euthanized. The show cause hearing is solely for determination of the issue of euthanasia. Failure to appear or show cause will result in entry of a final surrender and disposition order permitting the dog to be euthanized.

Sec. 8-3-11. - Dangerous Dogs; Duty of Owner of Dangerous Dog

Upon conviction, a court of competent jurisdiction may order the defendant to:

A. Enroll, attend, and complete an approved animal behavior modification at the owner/custodian's expense.

B. Registration and Tag.

1. Within thirty (30) days after an animal is classified as dangerous, the owner of the animal must obtain a dangerous

dog tag for the animal from Memphis Animal Services. The tag shall be worn by the dog at all times and renewed annually. The animal services director, or their designee, is only authorized to issue such tags and renewals to persons who are at least eighteen (18) years old and who present to the animal services director, or their designee, sufficient evidence of:

- a. A current certificate of rabies vaccination for the animal;
- b. A proper enclosure to confine a dangerous animal and the posting at all entry points of the premises a clearly visible warning sign of a dangerous animal on the property or premises which reads:

Warning
Dangerous Dog on Premises

- c. Proof that the dog has been spayed/neutered and microchipped;
- d. Proof of a current public liability insurance policy or a bond of not less than fifty thousand dollars (\$50,000.00) insuring the owner of the animal for any damages, whether arising from personal injury or otherwise, which may be caused by the dangerous animal. Such policy must provide for thirty (30) days' notice to the City of Memphis Animal Services prior to cancellation or expiration of the policy. In the event such liability insurance or bond is canceled, lapses, or for any other reason becomes unenforceable, the owner shall be in violation of the provisions of this chapter and title;
- e. Payment in accordance with the current fee schedule as defined in this chapter for the issuance of a dangerous dog tag.

2. If the owner/custodian does not obtain a dangerous dog tag within thirty (30) days or fails to comply with any of the conditions listed herein, the classified dog shall be forfeited and must be immediately surrendered to Memphis Animal Services or shall be impounded by an animal services officer.
3. The owner/custodian shall immediately notify the appropriate animal control authority when an animal that has been classified as dangerous:
 - a. Is running at-large or unconfined;
 - b. Has bitten a human being;
 - c. Is sold, given away, or dies; prior to a dangerous animal being sold or given away, the owner shall provide the name, address, and telephone number of the new owner to the animal control authority; any new owner residing in the city must comply with all the requirements of this chapter and title without further order of the court.
 - d. Is moved to another address.

B. Confinement outdoors.

1. All dangerous dogs shall be confined in a securely enclosed and locked pen or kennel, except when leashed and muzzled as provided in this section.
2. Such pen, kennel or structure shall be at least 20 feet from any street or sidewalk, ten feet from any property line and must have secure sides and a secure top to the structure.
3. Such structures must be locked with a key or combination lock when any animal is within the structure.
4. Such structure must have a secure concrete bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two feet.

5. All structures erected to house dangerous animals must be a minimum of six feet by ten feet (6'x10') enclosure and comply with all zoning and building regulations of the City.
 6. All such structures must meet the definition of adequate shelter as defined in this chapter and must be inspected and approved by Memphis Animal Services.
- D. *Confinement indoors.* No dangerous animal may be kept on a porch, patio or in any part of a house or structure that would allow the animal to exit such building of its own volition. In addition, no such animal may be kept in a house or structure when any unbarred window is open or when any screened window or screen door is the only obstacle preventing the animal from exiting the structure.
- E. *Leash and muzzle.*
1. No person shall permit a dangerous animal to go outside its kennel or pen unless such animal is securely leashed with a substantial restraint no longer than four feet in length.
 2. No person shall permit a dangerous animal to be kept on rope or other type of leash outside of its kennel or pen unless a competent person at least 18 years old is in physical control of the restraint.
 3. Such animal may not be leashed to inanimate objects.
 4. All dangerous animals on a leash outside the animal's kennel must be muzzled to prevent such animal from biting persons or other animals. The muzzle should not cause injury to the animal or interfere with its vision or breathing but shall prevent it from biting any person.

- F. Any dog charged as dangerous, notwithstanding a later finding of not guilty, must be fitted with a microchip implant and spayed/neutered within thirty (30) days of the biting incident with no exceptions.

Chapter 8-4 - LIVESTOCK & FOWL

Sec. 8-4-1. – Neglect of Livestock and Fowl

No livestock or fowl shall be kept or confined where the water, shelter, ventilation, and food are not sufficient and wholesome for the preservation of its health and safe condition. No animal or fowl shall be kept in such place or condition as to become a nuisance either because of odor or contagious disease.

Sec. 8-4-2. - Running at-large of Livestock and Fowl

It is unlawful for any person in charge of any animal defined in this chapter as livestock to permit it to run at-large upon any street, alley or unenclosed lot within the city.

Sec. 8-4-3. - Keeping of Livestock Within 1,000 feet of Residence or Business

No person shall keep livestock within one thousand feet (1,000') of any residence or place of business in the city without a permit to do so from the health officer. The health officer shall issue permits only when the keeping of such animals in the yard or buildings, and under the circumstances set forth in the application for the permit, shall not injuriously affect the public's health. Domesticated pigs or other livestock that meet the definition of companion animal in this chapter are exempt from this provision.

Sec. 8-4-4. - Killing Birds

- A. The killing or attempting to kill any bird, other than domestic fowl, within the limits of the city, is prohibited, except as hereafter provided.
- B. For control purposes and to alleviate public distress, and to promote public health, owners of private residential property and public commercial property are authorized to destroy or otherwise remove pigeons and/or birds located within the boundaries of their property, and to dispose of them in accordance with sanitation services procedures. In addition, such property owners may contract with pest control companies properly licensed and bonded by the state for the removal and disposition of pigeons or birds from their property. Such pest control companies shall dispose of such pigeons and/or birds in accordance with sanitation services procedures.
- C. Whenever a homing pigeon bearing a ring or seamless leg-band with its registered number stamped thereon, or any protected wild bird, is found among pigeons trapped under this section, the same shall immediately be released from custody.
- D. This section shall not be construed to permit the use of firearms to destroy pigeons and birds, and such use is expressly prohibited.

Sec. 8-4-5. - Unlawful to Sell Fowl as Pets or Novelties

- A. It is unlawful for any person, firm, or corporation to display, sell, offer for sale, barter, or give away chicks or ducklings as pets or novelties. It shall further be unlawful for any person, firm or corporation to dye, color or otherwise artificially treat any animal or fowl.
- B. This section shall not be construed to prohibit the display or sale of natural chicks, ducklings, or other fowl by those engaged in the business of selling the same to be raised for food purposes.

Chapter 8-5. - MEMPHIS ANIMAL SERVICES

Sec. 8-5-1. - Establishment and Supervision

Memphis Animal Services is established under the Executive Division of the city of Memphis. The operation and management of such service center shall be under the supervision of the director of Animal Services.

Sec. 8-5-2. - Business Hours

Memphis Animal Services shall post in a conspicuous and prominent location at the shelter and on the shelter's website the business hours as designated by the animal services director, subject to concurrence by the Chief Operating Officer of the city of Memphis.

Sec. 8-5-3. - Badges, Uniforms and Police Power of Animal Services Officers

- A. Animal Services officers shall wear badges and uniforms identifying them as such and shall have the necessary police powers for the enforcement of this chapter. Animal Services officers shall have the authority to issue ordinance summonses related to violations of this chapter or state law summons for such violations.
- B. Pursuant to Tennessee Code Annotated § 39-14-207(a), an animal services officer, who has a reasonable belief that an animal inside a home, fenced in yard, behind a locked gate, or in a vehicle has been without necessary food and water for more than twelve (12) successive hours, may, as often as necessary, enter any place in which any animal is so confined, and to supply it with necessary food and water for as long as it remains so confined. That person shall not be liable for such entry to any person in any legal action, and the reasonable cost of the food and water may be collected from the owner or keeper of the animal. The animal shall not be exempt from levy and sale upon execution issued upon a judgment therefor.

- C. If an animal services officer who has a reasonable belief that an animal inside a home, fenced in yard, behind a locked gate, or in a vehicle needs emergency care, or that there is an imminent threat to the life or welfare of an animal behind one of these barriers, the officer may make entry to any place in which any animal is so confined for the purpose of taking temporary custody of the animal but only after obtaining a warrant, except that a warrant shall not be required if the animal services officer has a good faith belief that the animal has a medical condition or injury of such a nature that the failure to render immediate care would reasonably likely result in the animal's imminent death and otherwise complies with Tennessee Code Annotated § 39-14-215.
- D. Any animal that is found to be injured, diseased, suffering from the elements or malnourished and abandoned as defined in this chapter may be taken into temporary custody by an animal services officer.
- E. Upon taking temporary custody of any animal under this section, the animal services officer shall attempt to contact the owner of the animal and shall seek emergency veterinary care for the animal, if necessary, as soon as available. The officer shall leave notification of temporary custody at the location the animal was found or at the registered address of the owner if the owner cannot be reached. The owner of the animal is responsible for any costs of providing care to the animal.

Sec. 8-5-4. - Resisting or Interfering with Animal Shelter Employee

It is unlawful for any person to resist or interfere with an animal services employee in the performance of their duties.

Sec. 8-5-5. - Aid and Assistance by Police

It shall be the duty of all police officers to render any assistance necessary.

Sec. 8-5-6. – Enforcement; Issuance of Ordinance Summons

Any ordinance summons issued pursuant to this chapter shall be left with the offender and shall provide information related to the offense charged and the time and place when such offender is to appear in court. Failure of the offender to appear in court shall result in a default judgment against the offender in an amount allowed under state law for city ordinance violations, and/or a warrant issued in accordance with Tenn. Code Ann. § 7-63-204.

Sec. 8-5-7. – Enforcement; Limitation on Action for Violations

A. No action shall be commenced by the city in any court for the purpose of enforcing any violation of animal violation sections of the Code of the city after one year from the commission of the offense.

For this section a court action shall be deemed to be commenced:

1. Upon the issuance of an ordinance summons to the offender;
2. Upon the arrest of the offender; or
3. Upon the issuance of an arrest or bench warrant for the offender.

B. A summons may be served by:

1. Personal service on the offender; or
2. Registered or certified mail, addressee only, return receipt requested.

Sec. 8-5-8. – Enforcement; Dismissal or Entering Nolle Prosequi Not Prohibited

Nothing herein shall prevent the city through the city attorney's office from dismissing or entering a nolle prosequi of any ordinance summons in open court. Such ordinance summons shall be dismissed if it shall be determined that the summons was issued to a nonresident and is deemed uncollectible; there is a lack of proof; or for such other valid reason as stated to the court.

Sec. 8-5-9. – Enforcement; Violation-Penalty

A person in violation of any part of this chapter is guilty of a city ordinance violation. Upon conviction, a court of competent jurisdiction may order the defendant to:

1. Pay fines in accordance with an amount allowed under state law for city ordinance violations. Each day that any violation of this chapter continues may constitute a separate offense.
2. Be precluded from owning, harboring, or having custody or control of companion animals permanently, or for a period that the court deems reasonable.
3. Participate in available animal cruelty prevention programs and educational programs or both.
4. Undergo a behavioral health evaluation and comply with any recommendations resulting from the evaluation.
5. Forfeit to Memphis Animal Services animals that are the basis of conviction.
6. Sterilize the companion animals. Sterilization is mandatory upon a second violation.
7. Payment of all costs and expenses of enforcement of this ordinance, including veterinary treatment and care, and feeding and housing of animals surrendered or forfeited under this ordinance.
 - a. Failure to pay any portion of fees and costs shall result in a lien upon the property of the owner subject to the City ordinance and State law.

- b. Liens shall be enforced by attachment proceedings in any court of competent jurisdiction and payment made directly to Memphis Animal Services.

Sec. 8-5-10. – Impoundment and Redemption of Cats

A. Impoundment

1. *First Impoundment.* Any non-community cat found running at large, abandoned or subject to neglect, cruelty or any of the conditions described Section 8-5-3 or is not in compliance with any other provision of this Chapter may be apprehended and impounded in the city animal shelter, and the owner notified, if known. If such cat has any ownership identification (tag, microchip, etc.), it shall be held for at least seventy-two (72) hours during which time the owner may redeem or repossess the same upon payment of reclaim fees for impound and boarding in accordance with the current fee schedule as defined in this chapter. If not reclaimed or redeemed by the owner within such time, the animal will become the property of the shelter and the animal may be designated for disposition by the animal shelter director or their designee. If no ownership identification exists, the cat can be deemed a community cat and the seventy-two (72) hour stray hold does not apply. If the cat is deemed a community cat and is not in need of medical attention, it shall be sterilized, ear-tipped, and returned to the location it was found. If the cat is less than twelve (12) weeks old and no ownership identification exists, the kitten can be immediately placed for adoption, and a seventy-two (72) hour stray hold does not apply.
2. *Second Impoundment.* Should a cat belonging to the same owner be picked up for a second time within two years of the date of the first offense, the owner may redeem and repossess the cat upon payment of reclaim fees for 2nd impound and boarding in accordance with the current fee schedule as defined in this

chapter. Seventy-two (72) hour stray hold provisions as described in subpart 1 still apply.

3. *Third Impoundment.* Should a cat belonging to the same owner be picked up for a third time within three years of the date of the first offense, the owner may redeem and repossess the cat upon payment of reclaim fees for 3rd impound and boarding in accordance with the current fee schedule as defined in this chapter. The owner also must receive a summons for animal neglect as defined in this chapter. Seventy-two (72) hour stray hold provisions as described in subpart 1 still apply.

B. *Fees and Costs.* Impoundment fees for any cat confiscated and held pending a court ruling for violations of § 8-3-1 of this section or any violation of State animal cruelty codes (Tenn. Code Ann. § 39-14-201, et seq.) must be paid within seventy-two (72) hours of impoundment for the owner to maintain claim to ownership rights for the animal. If the court determine there is probable cause to proceed with the charges at the owner's first appearance in court, a security bond order will be issued by the presiding judge to cover boarding and additional fees in accordance with the current fee schedule as defined in this chapter. The security bond order shall be in an amount sufficient to cover all expenses from the date of impoundment through the date of the trial and shall be paid within ten (10) days of the issuance of said order or ownership of the pet is forfeited to Memphis Animal Services. Should the trial date be reset for a later date, the owner of the animal will be presented with an updated security bond order at the next scheduled court appearance, which will also require payment within ten (10) days of the issuance of said order or ownership of the pet is forfeited to Memphis Animal Services.

C. *Sterilization.* Any unaltered cat that is not eligible for an exemption to the mandatory spay/neuter ordinance as defined in this chapter will be altered before discharge from Memphis Animal Services. Exemption 1 (under six (6) months old) of the mandatory spay/neuter ordinance does not apply for cats brought into the shelter, if a licensed veterinarian determines the cat is of sufficient age and weight to proceed with sterilization. A fertile permit cannot be purchased after a lawful impound occurs.

D. *Microchip Implant.* Before release into the owner's custody, the director of animal services is authorized to have a veterinarian humanely implant any animal lawfully impounded with an electronic microchip that will allow the animal to be positively identified.

Sec. 8-5-11. – Impoundment and Redemption of Dogs

A. Impoundment

1. *First Impoundment.* If any dog is found running at large, abandoned or subject to neglect, cruelty or any of the conditions described Section 8-5-3 or is not in compliance with any other provision of this Chapter an animal services officer shall have the authority to apprehend and impound such dog in the city animal shelter, and the owner notified, if known. Such dog shall be held for at least seventy-two (72) hours during which time the owner may redeem or repossess the same upon payment for, or presentation of, a current license therefor, and payment of reclaim fees for impound and boarding in accordance with the current fee schedule as defined in this chapter. If not reclaimed or redeemed by the owner within such time, the animal will become the property of the shelter and the animal may be designated for disposition by the animal shelter director or their designee. If the dog is less than 12 weeks old and no ownership identification exists, the puppy can be immediately placed for adoption, and a seventy-two (72) hour stray hold does not apply.

2. *Second Impoundment.* Should a dog belonging to the same owner be picked up for a second time within two years of the date of the first offense, the owner may redeem and repossess the dog upon presentation of a current license thereof and payment of reclaim fees for 2nd impound and boarding in accordance with the current fee schedule as defined in this chapter. Seventy-two (72) hour stray hold provisions as described in subpart 1 still apply.
3. *Third Impoundment.* Should a dog belonging to the same owner be picked up for a third time within three years of the date of the first offense, the owner may redeem and repossess the dog upon payment of reclaim fees for 3rd impound and boarding in accordance with the current fee schedule as defined in this chapter. The owner also must receive a summons for dog running at-large as defined in this chapter. Seventy-two (72) hour stray hold provisions as described in subpart 1 still apply.

B. *Fees and Costs.* Impoundment fees for any dog confiscated and held pending a court ruling for violations of § 8-3-1 of this section or any violation of State animal cruelty codes (Tenn. Code Ann. § 39-14-201, *et seq.*) must be paid within seventy-two (72) hours of impoundment for the owner to maintain claim to ownership rights for the animal. If the court determine there is probable cause to proceed with the charges at the owner's first appearance in court, a security bond order will be issued by the presiding judge to cover boarding and additional fees in accordance with the current fee schedule as defined in this chapter. The security bond order shall be in an amount sufficient to cover all expenses from the date of impoundment through the date of the trial and shall be paid within ten (10) days of the issuance of said order or ownership of the pet is forfeited to Memphis Animal Services. Should the trial date be reset

for a later date, the owner of the animal will be presented with an updated security bond order at the next scheduled court appearance, which will also require payment within ten (10) days of the issuance of said order or ownership of the pet is forfeited to Memphis Animal Services.

C. *Sterilization.* Any unaltered dog that is not eligible for an exemption to the mandatory spay/neuter ordinance as defined in this chapter will be altered before discharge from Memphis Animal Services, and a fertile permit cannot be purchased after a lawful impound occurs. Additionally, exemption 1 of the mandatory spay/neuter ordinance does not apply for dogs brought into the shelter, if a licensed veterinarian determines the dog is of sufficient age and weight to proceed with sterilization.

D. *Microchip Implant.* Before release into the owner's custody, the director of animal services is authorized to have a veterinarian humanely implant any animal lawfully impounded with an electronic microchip that will allow the animal to be positively identified.

Sec. 8-5-12. – Impoundment, Redemption and Disposition of Livestock

A. Livestock found running at-large in violation of this chapter may be apprehended and placed into the animal shelter. Such livestock shall be held for at least seventy-two (72) hours during which time the owner may redeem or repossess the same upon payment of reclaim fees for impound, trailering fees, and boarding in accordance with the current fee schedule as defined in this chapter. If not reclaimed or redeemed by the owner within such time, the animal will become the property of the shelter and may be designated for disposition by the animal shelter director or their designee.

B. Impoundment fees for any livestock confiscated and held pending a court ruling for violations of § 8-4-1 of this section or any violation of State animal cruelty codes (Tenn. Code Ann. § 39-14-201, et seq.)

must be paid within seventy-two (72) hours of impoundment for the owner to maintain claim to ownership rights for the animal. If the court determine there is probable cause to proceed with the charges at the owner's first appearance in court, a security bond order will be issued by the presiding judge to cover boarding and additional fees in accordance with the current fee schedule as defined in this chapter. The security bond order shall be in an amount sufficient to cover all expenses from the date of impoundment through the date of the trial and shall be paid within ten (10) days of the issuance of said order or ownership of the pet is forfeited to Memphis Animal Services. Should the trial date be reset for a later date, the owner of the animal will be presented with an updated security bond order at the next scheduled court appearance, which will also require payment within ten (10) days of the issuance of said order or ownership of the pet is forfeited to Memphis Animal Services.

Sec. 8-5-13. – Impoundment, Redemption and Disposition of Fowl

- A. Fowl found running at-large in violation of this chapter may be apprehended and placed into the animal shelter. Such fowl shall be held for at least seventy-two (72) hours during which time the owner may redeem or repossess the same upon payment of reclaim fees for impound and boarding in accordance with the current fee schedule as defined in this chapter. If not reclaimed or redeemed by the owner within such time, the animal will become the property of the shelter and may be designated for disposition by the animal shelter director or their designee.
- B. Impoundment fees for any animal confiscated and held pending a court ruling for violations of 8-4-1 of this section or any violation of State animal cruelty codes (Tenn. Code Ann. § 39-14-201, et seq.) must be paid within seventy-two (72) hours of impoundment for the owner to maintain claim to ownership rights for the animal. If the

court determine there is probable cause to proceed with the charges at the owner's first appearance in court, a security bond order will be issued by the presiding judge to cover boarding and additional fees in accordance with the current fee schedule as defined in this chapter. The security bond order shall be in an amount sufficient to cover all expenses from the date of impoundment through the date of the trial and shall be paid within ten (10) days of the issuance of said order or ownership of the pet is forfeited to Memphis Animal Services. Should the trial date be reset for a later date, the owner of the animal will be presented with an updated security bond order at the next scheduled court appearance, which will also require payment within ten (10) days of the issuance of said order or ownership of the pet is forfeited to Memphis Animal Services.

- C. The director of animal services, or designated staff member, is authorized to waive fees related to reclamation on a case-by-case basis.

Sec. 8-5-14. – Adoption of Animals

Once an animal becomes the property of Memphis Animal Services by any method described in this chapter, the animal may be adopted in accordance with current adoption policies as enacted by the director of animal services, and upon payment of an adoption fee, licensing fee and fees for any other service supplied by Memphis Animal Services in connection with such animal. Each unaltered dog and/or cat will be sterilized by the shelter veterinarian prior to leaving the shelter, unless it is determined by the director of animal services that the pet should not be altered. Any individual taking an unaltered dog or cat from the shelter must comply with applicable ordinances and policies relating to unsterilized animals. If it is determined that a former owner of an animal is applying for adoption, such former owner may only regain

ownership or possession by payment of redemption fees set forth in the current fee schedule as defined in this chapter.

Sec. 8-5-15. – Euthanasia of abandoned or neglected animals

The director of animal services, or their designee, may lawfully euthanize immediately, or cause to be euthanized immediately, any animal that is legally the property of the City of Memphis, or that is suffering, and euthanasia will end that suffering.

Sec. 8-5-16. – Animal Services Advisory Committee

There is hereby created the animal services advisory committee, consisting of seven citizens of the city, who shall be appointed by the mayor, subject to approval of the city council, for a term of two years or until their successors are appointed and qualified, and who shall serve without compensation, or oath. The director of animal services shall be an ex officio member of such committee.

- A. Chairperson & Secretary. The chairperson and the secretary of the animal services advisory committee shall be designated by the mayor when making appointments to the committee.
- B. Rules and Regulations. The animal services advisory committee shall have the power to make rules and regulations for the conduct of its business. Such committee shall meet as prescribed by its rules, and upon call of its chairperson.
- C. Powers & Duties. The animal services advisory committee shall:
 1. Provide guidance and support to the director of animal services based on each individual committee member's area of expertise.
 2. Serve as community liaisons for animal services, helping spread messaging regarding quality pet ownership and how to access resources through MAS.

3. Support and advocate for progressive animal control and sheltering programming to keep Memphis in alignment with national best practices.

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Chairman
Martavius Jones