

JOINT ORDINANCE NO. _____

A JOINT ORDINANCE AND RESOLUTION (Z 07-116 CC) AMENDING THE MEMPHIS AND SHELBY COUNTY ZONING ORDINANCE – REGULATIONS (OFFICIAL ZONING MAP) ADOPTED BY THE SHELBY COUNTY BOARD OF COMMISSIONERS ON OCTOBER 6, 1980, AND THE CITY COUNCIL OF THE CITY OF MEMPHIS ON OCTOBER 7, 1980 IN RESOLUTION AND ZONING ORDINANCE NO. 3064 AS AMENDED, SO AS TO MAKE CERTAIN CHANGES IN SAID MAP.

WHEREAS, The Federal Emergency Management Agency (“FEMA”) requires that communities regulate development in floodways and floodplains of the community in order to participate in the Federal Flood Insurance Program; and,

WHEREAS, The 1994 FIRM amendments were adopted by the City of Memphis City Council and the Shelby County Board of County Commissioners as part of the Joint Memphis and Shelby County Zoning Ordinance by Resolution No. 4718 (Case No. Z 99-134 CC); and,

WHEREAS, FEMA issued, with respect to the City of Memphis and Shelby County, a revised Flood Insurance Rate Map dated September 28, 2007, and subsequent changes in said map are regularly promulgated by said Agency and Letters of Map Revision; and

WHEREAS, the amendments to the Zoning District Map contained herein correspond to the floodway and floodplain boundaries as depicted on the Flood Insurance Rate Map of September 28, 2007, as originally published, as listed in Exhibit “A”, which is attached hereto and incorporated herein by reference; and

WHEREAS, certain previous amendment to the Zoning District Map have already been made to correspond with Letters of Map Revision issued by the Federal Emergency Management Agency to promulgate changes of the Flood Insurance Rate Map of December 2, 1994.

WHEREAS, These amendments are on the October 2007 agenda of the Memphis and Shelby County Land Use Control Board for its consideration in accordance with Zoning Code section 6.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners and the Memphis City Council that the Memphis and Shelby County Zoning Code be amended as follows:

SECTION 1. That the Joint Ordinance and Resolution set out in the caption hereof be and the same is hereby amended as follows:

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Rezoning certain properties to the FW Floodway District; revoking the FW Floodway District with respect to certain properties that shall revert to the zoning district that best reflects the history of the zoning, and rezoning certain properties by adding or deleting the FP Flood Plain Overlay, as shown on maps which are on file in the Office of Planning and Development, and incorporated by reference as if set out in their entirety. This ordinance amends the existing status of properties in Memphis and Shelby County by placing all or a portion of some properties in the FP Flood Plain Overlay District or the Floodway District. The status of properties may also be affected by removing all or a portion of the properties from the Flood Plain Overlay or Floodway District. If there are any floodway or floodplain boundary discrepancies between the Zoning District Map and the Flood Insurance Rate Map currently in effect, the latter shall govern. Further, the Office of Planning and Development is authorized to correspondingly change the Zoning District Map, upon receipt of a Letter of Map Revision. Following this procedure, if property is taken out of the FW Floodway District, the zoning of property shall revert to the zoning district that best reflects the history of the zoning of the property or surrounding area.

SECTION 2. That the referenced amendment to the maps as set forth in Exhibit A is hereby specifically incorporated herein by reference as if set out in its entirety.

SECTION 3. Be it further resolved and ordained, that the Joint Ordinance take effect from and after the date it shall have been enacted according to due process of law, and thereafter shall be treated as in full force and effect in the jurisdiction subject to the above mentioned Ordinance by virtue of the concurring and separate passage thereof by the council of the City of Memphis and by the Shelby County Board of Commissioners.

EXHIBIT A

The basis for the comprehensive amendment of the Floodway and Floodplain Zoning Districts is:

The Areas of Special Flood Hazard identified on the Shelby County FIRM, Tennessee, Federal Emergency Management Agency, Flood Insurance Study (FIS-#47097CV000A), and Flood Insurance Rate Map (FIRM), Community Panel Number 47157 – C0020F, C0040F, C0045F, C0065F, C0070F, C0090F, C0095F, C0120F, C0130F, C0135F, C0140F, C0145F, C0155F, C0160F, C0165F, C0170F, C0180F, C0185F, C0190F, C0195F, C0205F, C0210F, C0215F, C0220F, C0245F, C0255F, C0260F, C0265F, C0270F, C0280F, C0285F, C0290F, C0295F, C0305F, C0310F, C0315F, C0320F, C0330F, C0335F, C0340F, C0345F, C0385F, C0390F, C0395F, C0405F, C0410F, C0415F, C0420F, C0430F, C0435F, C0440F, C0445F, C0455F, C0460F, C0465F, C0470F, C0480F, C0485F, C0490F, C0495F, C0510F, C0530F, C0535F, C0555F, C0580F, C0585F, C0605F, C0610F, C0630F and C0635F dated September 28, 2007, along with all supporting technical data, are adopted by reference and declared to be a part of this Ordinance.