

Item # _____

Prepared by: Robert B. Rolwing

Approved by: _____

**A JOINT ORDINANCE AND RESOLUTION AMENDING THE
MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE
TO MAKE CERTAIN CHANGES IN THE MAP AND TO COMPLY
WITH REGULATIONS OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY.**

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, This Board of County Commissioners along with the Memphis City Council jointly adopted the 1994 Flood Insurance Rate Map (“FIRM”) amendments as part of the former Joint Memphis and Shelby County Zoning Ordinance by Ordinance No. 4718 (Case No. Z 99-134 CC); and,

WHEREAS, This Board of County Commissioners along with the Memphis City Council jointly adopted the 2007 FIRM amendments as part of the former Joint Memphis and Shelby County Zoning Ordinance No. 347 (Case No. Z 07-116 CC) on October 22, 2007; and

WHEREAS, FEMA has issued, with respect to the City of Memphis and Shelby County, a revised Flood Insurance Rate Map effective February 6, 2013; 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 effective February 6, 2013, as originally published, and as listed in Exhibit A hereto attached and incorporated herein by reference; and,

WHEREAS, the Memphis and Shelby County Land Use Control Board approved these amendments at its November 8, 2013, session;

NOW, THEREFORE, BE IT ORDAINED AND RESOLVED, By the Shelby County Board of Commissioners and the Memphis City Council, that the Unified Development Code be amended as follows:

SECTION 1, CASE NO. Z 12-107 CC

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 Shelby County Engineer's Office, the Memphis City Engineer's Office, and the Office of Planning and Development, which are incorporated by reference as if set out herein in their entirety. This ordinance amends the status of existing properties in Memphis and Shelby County by placing all or a portion of some properties in the FP Flood Plain Overlay 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 Map and the Flood Insurance Rate Map effective February 6, 2013, the latter shall govern. Further, the Office of Planning and Development is authorized to change the Zoning Map correspondingly, 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. BE IT FURTHER ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS AND THE COUNCIL OF THE CITY OF

MEMPHIS, That the various sections, words, and clauses of this Joint Ordinance are severable, and any part declared or found unlawful may be elided without affecting the lawfulness or the remaining portions.

SECTION 3. BE IT FURTHER ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS AND THE COUNCIL OF THE CITY OF MEMPHIS, That this Joint Ordinance shall take effect from and after the date it shall have been enacted according to due process of law, and thereafter shall be treated as in full force and effect in the jurisdictions subject to the above-mentioned Ordinance by virtue of the concurring and separate passage thereof by the Shelby County Board of Commissioners and the Council of the City of Memphis.

MARK H. LUTTRELL, JR., County Mayor

Date: _____

ATTEST:

Minutes Clerk of the County Commission

ADOPTED: _____

EXHIBIT A

The basis for the comprehensive amendment of the Floodway and Floodplain Overlay is the Areas of Special Flood Hazard identified on the Shelby County Federal Insurance Rate Map by the Federal Emergency Management Agency, Flood Insurance Study (FIS-_____) and Flood Insurance Rate Map, Community Panel Nos.:

0015, 0020, 0040, 0045, 0065, 0070, 0090, 0095, 0120, 0130, 0135, 0140, 0145, 0155, 0160, 0165, 0170, 0180, 0185, 0190, 0195, 0205, 0210, 0215, 0245, 0255, 0260, 0265, 0270, 0280, 0285, 0290, 0291, 0292, 0293, 0294, 0301, 0303, 0304, 0310, 0311, 0312, 0313, 0314, 0316, 0317, 0320, 0330, 0335, 0340, 3045, 0370, 0380, 0385, 0390, 0395, 0405, 0410, 0415, 0440, 0445, 0456, 0457, 0458, 0459, 0465, 0470, 0480, 0483, 0485, 0490, 0495, 0510, 0530, 0535, 0555, 0560, 0580, 0585, 0605, 0610, 0630, 0635,

dated February 6, 2013, along with all supporting technical data, are adopted by reference and declared to be a part of this Ordinance.