

9.3.3 **Application Requirements**

A. Initiation of Request

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

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

*Only the body(s) may initiate a request for a comprehensive rezoning (see Sub-Section 9.5.12A), with the exception of comprehensive rezonings related to Federal Emergency Management Agency floodway and floodplain maps.

B. Submittals

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

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

C. Forms

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

D. Fees

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

E. Completeness Determination

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

F. Application Deadline

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

G. Staff Consultation after Application Submitted

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

H. Concurrent Applications

Applications may be filed and reviewed concurrently, at the option of the applicant.

9.3.4 Public Hearings and Notification

A. Required Hearings and Notification

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

	x-ref	Public Hearing				Public Hearing Notice			Public Notice Mailed To			
		Board of Adjustment	Landmarks Commission	Land Use Control Board	Governing Bodies	Sign Posted	Mailed	Newspaper Publication	Subject Property Owners	Adjacent Owners ⁴	Owners within 500 Ft. Radius ¹	Neighborhood Associations ⁵
Text Amendment	9.4			PH	PH			LUCB/GB				
Zoning Change	9.5			PH	PH	SP	M	GB	■	■	■	■
Comprehensive Rezoning	9.5.12			PH	PH	SP	M	LUCB/GB	■			
FEMA Floodway and Floodplain Maps	9.5.12			PH	PH			LUCB/GB				
Special Uses & Planned Developments:												
Special Uses & Special Use Amendments	9.6 & 9.6.12A			PH	PH-AO	SP	M	GB-RO	■	■	■	■
Special Use Major Modifications	9.6.12B			PH	PH-AO	SP	M		■	■		■
Special Use Minor Modifications	9.6.12C			PH-AO			M-AO		■	□		□
P. D. Outline Plan & Amendments	9.6 & 9.6.11E(1)			PH	PH-AO	SP	M	GB-RO	■	■	■	■
P. D. Major Modifications	9.6.11E(2)			PH	PH-AO	SP	M		■	■		■
P. D. Minor Modifications	9.6.11E(3)			PH-AO			M-AO		■	□		□
P. D. Final Plan	9.6											
P. D. Public Contract	9.6											
Subdivision:												
Minor Preliminary Plan	9.7.6			PH-AO			M-AO		■	■		■
Major Preliminary Plan	9.7.7			PH	PH-AO		M		■	■		■
Resubdivision				PH	PH-AO		M		■	■	■	■
Final Plat	9.7.8											
Public Contract	9.7.8											
Right-of-Way Vacation	9.8			PH	PH-AO	SP	M		■	■		■
Right-of-Way Dedication	9.9			PH	PH-AO		M		■	■		■
Street Name Change	9.10			PH	PH-AO		M		■	■		■
Plat of Record Revocation	9.11			PH	PH-AO		M		■	■		■
Administrative Site Plan	9.12	PH-AO					M-AO		■	□		□
Special Exception	9.14			PH	PH-AO	SP	M		■	■		■
Special District Administrative Review	9.13	PH-AO							■	□ ³		□
Historic District Designation	8.6		PH	PH	PH	SP	M	LM/LUCB/GB	■	■		■
Certificate of Appropriateness	8.6.3		PH				M	LM	■	■	■	
Historic District (Demolition by Neglect)	8.6.4		PH-AO						□	□		
Variance² and Conditional Use Permit	9.22 & 9.24	PH					M		■	■	■	
Board of Adjustment Correspondence	2.4.5, 9.22.9, 9.23.1E(2) & 9.24.10	PH					M		■	■		
Administrative Decision		PH-AO							□			
Change in Nonconforming Use Permit	10.2.5	PH					M		■	■	■	

1. If the 500-foot radius includes less than 25 property owners, the radius shall be extended at 100-foot intervals to reach a minimum of 25 property owners provided, however, that the maximum total radius is 1,500 feet.
2. In the case of setback variation requests less than 5 feet only adjacent property owners shall be notified.
3. Public notice mailed to property owners within a 300-foot radius of the subject property.
4. "Adjacent owners" includes abutting owners and those across the street or other ROW from the subject site.
5. Public Notice to Neighborhood Associations may be mailed or sent via electronic mail.

PH = Public Hearing
 PH-AO = Public Hearing Upon Appeal Only

LUCB = Land Use Control Board
 GB = Governing Body
 P = Sign posted prior to administrative approval
 SP = Public Hearing Sign Posted
 LM = Landmarks Commission
 M = Public Hearing Notice Mailed
 M-AO = Public Hearing Notice Mailed - Appeal Only
 GB-RO = Governing Body Publication for Hearing upon Request Only

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

B. Published Notice

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

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

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

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

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

b. Comprehensive Rezoning and Historic District Designation

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

c. Right-of-Way Vacation

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

3. Responsibility for Installation and Removal

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

D. Mailed Notice

1. Where mailed notice is required, notification shall be mailed not more than 45 or less than 10 days prior to the date of the public hearing. Mailed notice shall be provided to all property owners within Shelby County in accordance with the provisions of this Code.
2. All of the neighborhood associations registered with the City of Memphis Office of Community Affairs whose boundaries include properties within 1,500 feet of the subject property shall be provided mailed notice in accordance with Sub-Section 9.3.4A. Notice via electronic mail may substitute for mailed notice.

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

Published or mailed notice shall provide at least the following:

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

2. Posted Notice

Required posted notice shall indicate the following:

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

F. Constructive Notice

1. Minor defects in notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements.
2. Undelivered mailed notice in excess of 25% of total required mailing within a 500-foot radius of the property only, shall constitute failed notice and shall serve to invalidate proceedings unless sufficient notice is provided in accordance with this section.

9.3.5 Notice of Decision

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

9.3.6 Withdrawal of Application

- A. An applicant may withdraw an application at any time, by filing a statement of withdrawal with the Planning Director/Building Official except as provided in paragraph C below.
- B. The statement of withdrawal shall be signed by all persons who signed the application or their representative.
- C. If a valid zoning protest petition has been filed, the application may be withdrawn only if the statement of withdrawal is filed no later than five days prior to the date of the public hearing upon which the matter is to be returned for action by the governing bodies. Thereafter, the application may be withdrawn only by action of the governing bodies, by majority vote.
- D. The Planning Director/Building Official may withdraw applications due to the failure of the applicant to submit required information within 90 days of the initial request.
- E. The application shall move forward to the agenda of the appropriate review body or, if not moved to the appropriate agenda within six months, may be withdrawn by the Planning Director.
- F. At the request of the applicant, the Land Use Control Board, the Board of Adjustment or the Landmarks Commission may defer a case for one month, in addition to any permitted deferrals as provided in this Article. Additional deferrals are prohibited and will constitute a withdrawal.