

ORDINANCE NO: 5825

ORDINANCE AMENDING ORDINANCE NO. 5459 OF THE CODE OF ORDINANCES OF THE CITY OF MEMPHIS, TENNESSEE, SO AS TO MAKE CERTAIN CHANGES WITH REGARD TO PERMITTED DAYS OF OPERATION FOR BREWERIES WITH TASTING ROOMS

WHEREAS, the City of Memphis Code of Ordinances was amended in 2012 with the adoption of Ordinance No. 5459 to create regulations for the operation of breweries with tasting rooms; and

WHEREAS, these regulations mirrored the distance requirements articulated in the Code for bars, cocktail lounges and other establishments where less than 40% of the gross sales come from food; and

WHEREAS, since 2012, these regulations have been interpreted in multiple ways as to whether breweries with tasting rooms should be distanced from the same uses as other establishments with less than 40% of the gross sales are from food; and

WHEREAS, since 2012, several breweries with tasting rooms have opened throughout the City, at least two of which are within the more restrictive interpretation of the existing distance regulations; and

WHEREAS, the Code requires clarifying language to ensure the true intent of the City Council of the City of Memphis is to establish consistent distance requirements for breweries with tasting rooms.

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

SECTION 1:

THAT, the City of Memphis Code of Ordinances shall be amended so that breweries with tasting rooms share a consistent distance requirement from places of worship, schools and certain residential zoning districts as other establishments with less than 40% of the gross sales come from food; and

SECTION 2:

THAT, the City of Memphis Code of Ordinances should further reflect reasonable hours of operation on Sundays for those breweries with tasting rooms within close proximity of places of worship, schools and certain residential zoning districts; and

SECTION 3:

THAT, Sec. 7-8-25(D)(5) of the City of Memphis Code of Ordinances, as numbered by the Municipal Code Corporation as of March 21, 2022, shall be amended in the following manner (proposed language indicated in **bold, italics, underline**):

If located within a 500-foot radius or 250-foot radius of a church, **a school or certain enumerated residential zoning districts** as set forth in section 7-8-11(B) above, shall **not open to the public on Sundays before 12:00 p.m.** ~~remain closed to the public on Sundays, and if located within such radius of a school or residential dwelling, shall remain closed to the public on Sundays~~ and shall close to the public each **Sunday** Monday through Thursday no later than 10:00 p.m., this section being intended to prevent traffic congestion, to reduce noise and to protect the public welfare and morals of the community.

and;

SECTION 4:

THAT, the entirety of Sec. 7-8-25 of the City of Memphis Code of Ordinances, as numbered by the Municipal Code Corporation as of March 21, 2022, is attached to this ordinance as Exhibit A; and

SECTION 5:

THAT, the entirety of Sec. 7-8-11 of the City of Memphis Code of Ordinances, as numbered by the Municipal Code Corporation as of March 21, 2022, is attached to this ordinance as Exhibit B.

ATTEST:

THE FOREGOING ORDINANCE
5823 PASSED

1st Reading 5/10/22

2nd Reading 5/24/22

3rd Reading 6/7/22

Approved: [Signature]
Chairman of Council

Date Signed: 6/22/2022

APPROVED: [Signature]
Mayor, City of Memphis

Date Signed: 6/27/22

CC: Memphis and Shelby County Division of Planning and Development
City of Memphis Permits Office

EXHIBIT A, Sec. 7-8-25 of the City of Memphis Code of Ordinances hereby certify that the foregoing is a true copy, and said document was adopted by the Council of the City of Memphis as above indicated and approved by the Mayor.

Valerie C. Snipes
Comptroller