

## R E S O L U T I O N

BE IT RESOLVED BY THE MAYOR AND BOARD OF COMMISSIONERS OF THE CITY OF MEMPHIS, That Ordinance No. 374 pertaining to repeal of existing ordinances on zoning and enacting a New Zoning Code, on second reading Tuesday, May 10, 1955, be amended as follows:

Section 1911, E, 2 - Strike said section, substitute therefor the following:

"More than one (1) building for institutional or hotel purposes may be located upon a lot or tract, but only when such buildings conform to all open space requirements around the lot for the district in which the lot or tract is located."

Section 1911, B, 3 - Change period at end to comma and add:

"and fifty (50) feet for buildings of greater height."

Section 1911, B, 4 - Change period at end to comma and add:

"and fifty (50) feet for buildings of greater height."

Section 1918, A - Number the first paragraph (1) and add the following numbered sub-paragraphs:

"(2) The board of commissioners of the city may, from time to time, amend, supplement or change by ordinance the boundaries of districts or regulations herein established. Any proposed amendment, supplement or change shall first be submitted to the city planning commission for its recommendation and report.

"(3) A public hearing shall be held by the board of commissioners before adoption of any proposed amendment, supplement or change, notice of which hearing shall be given by publishing three times in some daily newspaper of general circulation, stating the time and place of such hearing, not earlier than ten days from the date of such publication.

"(4) If a protest against any proposed amendment, supplement or change be presented in writing to the controller within ten days from date of last publication, duly signed and acknowledged by the owners of twenty per cent or more of any frontage proposed to be altered, or by the owners of twenty per cent of the frontage immediately in the rear thereof, or by the owners of twenty per cent of the frontage directly opposite the frontage proposed to be altered, such amendment, supplement or change shall not be passed except by a four-fifths vote of the board of commissioners."

Section 1918, C - Strike said section and substitute therefor the following:

"Petition to and Hearing by City Planning Commission: The City Planning Commission shall, by majority vote, adopt rules of procedure to regulate the conduct of its affairs including, but not restricted to, meetings, petitions, public hearings, the presentation of evidence and any other matters involving the exercise of its functions. The chairman or acting chairman shall have the authority to compel the attendance of witnesses, administer oaths, and conduct public hearings on any matters before the Planning Commission when, in his opinion, the public interest requires such action. Petitions for change in zoning or amendment to the Zoning Ordinance shall comply with such rules, and public hearings thereon shall be conducted in accordance therewith."

Section 1918, D - Strike said section and substitute therefor the following:

"Decision by Planning Commission and Board of Commissioners: The City Planning Commission may recommend that the regulations or the District Map be changed as requested, that a change other than that requested be made, or that no change be made. This recommendation shall be forwarded to the Board of Commissioners within ten (10) days after the decision of the Planning Commission, provided all of the conditions embodied in such decision have been fulfilled."

I hereby certify that the foregoing is a true and correct copy of the original as filed in the office of the City Clerk of the City of New York, New York, on the 15th day of May, 1955.

*[Signature]*  
Comptroller

**NOTICE OF PUBLIC HEARING ON  
PROPOSED CHANGES, AMENDMENTS  
AND SUPPLEMENTS TO THE ZONING  
ORDINANCE**

Notice is hereby given that a public hearing will be held by the Board of Commissioners of the City of Memphis in the Council Chamber, in the Courthouse, on Tuesday, May 17, 1955, at 2:30 P.M., in the matter of repealing Sections 1892 through 1919, inclusive of the Memphis Municipal Code of 1949, as amended, being the "Zoning Ordinance" and all ordinances amendatory thereto, including but not limited to Ordinance No. 207 passed on final reading on May 18, 1952, creating B-1 Industrial-Port Use District and an amendment thereto by Ordinance No. 207 passed on final reading February 13, 1953, and Ordinance No. 254 pertaining to new Zoning Districts passed March 24, 1953, and an Ordinance No. 257 pertaining to Zoning as to Use and Height and Area passed on final reading on April 21, 1953, and all official maps as provided in said ordinances and substituting therefor Sections 1892 through 1919 creating a new "Zoning Ordinance" providing for <sup>the regulation of</sup> land uses in certain districts and limiting Heights and Areas of structures therein; <sup>providing for an official District Zoning Map;</sup> creating a Board of Adjustment, prescribing its composition, powers and duties; providing procedure and fees for applications thereto; providing for occupancy certificate and filing of plans for use of property; providing for the administration and amendment of this Ordinance and penalties for the violation thereof. Original maps, showing the proposed Zoning Districts, are on file in the office of the City Planning Commission 27 N. Third Street, in Memphis, which maps are open to inspection by the public.

**NOW, THEREFORE, you will take notice that on Tuesday, May 17, 1955, at 2:30 P.M., the Board of Commissioners will be in session at the**

*This copy is to serve as original and is the one officially presented at City Commission on May 3, 1955*

*After final passage*

Court House to hear reconstructions of the same in case of such changes; such reconstructions may be by personal appearance, or by attorneys, and you are notified that you will be present, if you wish to be present at the same.

This the

ATTEST:

~~C. W. Crutchfield, Clerk~~

(This to be published not later than March 2 5 1914)

**LEGAL NOTICE**

**NOTICE OF PUBLIC HEARING ON  
PROPOSED CHANGES, AMENDMENTS  
AND SUPPLEMENTS TO THE ZONING  
ORDINANCE**

Notice is hereby given that a public hearing will be held by the Board of Commissioners of the City of Memphis in the Council Chamber, in the Courthouse, on Tuesday, May 17, 1933, at 2:30 P.M., in the matter of repealing Sections 1892 through 1922, inclusive of the Memphis Municipal Code of 1919, as amended, being the "Zoning Ordinance" and all ordinances amendatory thereto, including but not limited to Ordinance No. 297 passed on final reading on May 13, 1932, repealing D-1 Industrial-Port Use District and an amendment thereto by Ordinance No. 335 passed on final reading February 13, 1933, and Ordinance No. 351, pertaining to new Zoning Districts passed March 21, 1933, and an Ordinance No. 253 pertaining to Zoning as to Use and Height and Area passed on final reading on April 21, 1933, and all official maps as provided in said ordinances and substituting therefor Sections 1892 through 1919 creating a new "Zoning Ordinance" providing for the regulation of land uses in certain districts and limiting Heights and Areas of structures therein providing for an official District Zoning Map; creating a Board of Adjustment, prescribing its composition, powers and duties; providing procedures and fees for applications thereto; providing for occupancy certificates and filing of plans for use of property; providing for the administration and amendment of this Ordinance and penalties for the violation thereof. Original maps, showing the proposed Zoning Districts, are on file in the office of the City Planning Commission, 97 N. Third Street, in Memphis, which maps are open to inspection by the public.

NOW, THEREFORE, you will take notice that on Tuesday, May 17, 1933, at 2:30 P.M., the Board of Commissioners will be in session at the Court House to hear remonstrances or protests against the making of such changes; such remonstrances or protests may be by personal appearances, or by letter, or by petition; and then and there you will be present, if you wish to remonstrate or protest against same.

This the 3rd day of MAY, 1933.  
FRANK T. TOBEY,  
Mayor

ATTEST  
C. W. CRITCHFIELD, Comptroller

Want Ad Headquarters—3-2141

RESOLUTION

BE IT RESOLVED BY THE MAYOR AND BOARD OF COMMISSIONERS OF THE CITY OF MEMPHIS, That Ordinance No. 374 pertaining to repeal of existing ordinances on Zoning and enacting a New Zoning Code, on second reading Tuesday, May 10, 1955, be amended as follows:

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"and fifty (50) feet for buildings of greater height."

Section 1911, B, 4—Change period at end to comma and add:

"and fifty (50) feet for buildings of greater height."

Section 1918, A—Number the first paragraph (1) and add the following numbered sub-paragraphs:

"(2) The board of commissioners of the city may, from time to time, amend, supplement or change by ordinance the boundaries of districts or regulations herein established. Any proposed amendment, supplement or change shall first be submitted to the city planning commission for its recommendation and report.

"(3) A public hearing shall be held by the board of commissioners before adoption of any proposed amendment, supplement or change, notice of which hearing shall be given by publishing three times in some daily newspaper of general circulation, stating the time and place of such hearing, not earlier than ten days from the date of such publication.

"(4) If a protest against any proposed amendment, supplement or change be presented in writing to the comptroller within ten days from date of last publication, duly signed and acknowledged by the owners of twenty per cent or more of any frontage proposed to be altered, or by the owners of twenty per cent of the frontage immediately in the rear thereof, or by the owners of twenty per cent of the frontage directly opposite the frontage proposed to be altered, such amendment, supplement or change shall not be passed except by a four-fifths vote of the board of commissioners."

Section 1918, C—Strike said section and substitute therefor the following:

**"Petition to and Hearing by City Planning Commission:** The City Planning Commission shall, by majority vote, adopt rules of procedure to regulate the conduct of its affairs including, but not restricted to, meetings, petitions, public hearings, the presentation of evidence and any other matters involving the exercise of its functions. The chairman or acting chairman shall have the authority to compel the attendance of witnesses, administer oaths, and conduct public hearings on any matters before the Planning Commission when, in his opinion, the public interest requires such action. Petitions for change in zoning or amendment to the Zoning Ordinance shall comply with such rules, and public hearings thereon shall be conducted in accordance therewith."

Section 1918, D—Strike said section and substitute therefor the following:

**"Decision by Planning Commission and Board of Commissioners:** The City Planning Commission may recommend that the regulations or the District Map be changed as requested, that a change other than that requested be made, or that no change be made. This recommendation shall be forwarded to the Board of Commissioners within ten (10) days after the decision of the Planning Commission, provided all of the conditions embodied in such decision have been fulfilled."

This the 17th day of May, 1955.

FRANK T. TOBEY, Mayor.

Attest:

C. W. CRUTCHFIELD, Comptroller.

Order No.....

June 2, 1955—100c.

3124

R. B. JONES

REVISED ZONING ORDINANCE  
MEMPHIS, TENNESSEE

~~67-7852~~

5-6204

As adopted by the City Planning Commission

~~April 6, 1955~~

*Apr 22 1955*

*B-copy.*

Prepared for  
THE BOARD OF COMMISSIONERS  
and  
THE CITY PLANNING COMMISSION

By  
HARLAND BARTHOLOMEW AND ASSOCIATES  
City Planners  
St. Louis, Missouri

*This is original as introduced for  
first reading May 3, 1955*

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ORDINANCE NO. 374

AN ORDINANCE TO REPEAL SECTIONS 1892 THROUGH 1922, INCLUSIVE OF THE MEMPHIS MUNICIPAL CODE OF 1949, AS AMENDED, BEING THE "ZONING ORDINANCE" AND ALL ORDINANCES AMENDATORY THEREOF, INCLUDING BUT NOT LIMITED TO ORDINANCE NO. 207 PASSED ON FINAL READING ON MAY 13, 1952, CREATING D-1 INDUSTRIAL-PORT USE DISTRICT AND AN AMENDMENT THERETO BY ORDINANCE NO. 357 PASSED ON FINAL READING FEBRUARY 15, 1955, AND ORDINANCE NO. 254 PERTAINING TO NEW ZONING DISTRICTS PASSED MARCH 24, 1953, AND AN ORDINANCE NO. 257 PERTAINING TO ZONING AS TO USE AND HEIGHT AND AREA PASSED ON FINAL READING APRIL 21, 1953, AND ALL OFFICIAL MAPS AS PROVIDED IN SAID ORDINANCES AND SUBSTITUTING THEREFOR SECTIONS 1892 THROUGH 1919 CREATING A NEW "ZONING ORDINANCE" PROVIDING FOR THE REGULATION OF LAND USES IN CERTAIN DISTRICTS AND LIMITING HEIGHTS AND AREAS OF STRUCTURES THEREIN; PROVIDING FOR AN OFFICIAL DISTRICT ZONING MAP; CREATING A BOARD OF ADJUSTMENT PRESCRIBING ITS COMPOSITION, POWERS AND DUTIES; PROVIDING PROCEDURES AND FEES FOR APPLICATIONS THERETO; PROVIDING FOR OCCUPANCY CERTIFICATES AND FILING OF PLANS FOR USE OF PROPERTY; PROVIDING FOR THE ADMINISTRATION AND AMENDMENT OF THIS ORDINANCE AND PENALTIES FOR THE VIOLATION THEREOF.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND BOARD OF COMMISSIONERS OF THE CITY OF MEMPHIS that Sections 1892 through 1922, inclusive of the Memphis Municipal Code of 1949, as amended, being the "Zoning Code" of said city, and all ordinances amendatory thereto, including but not limited to, Ordinance No. 207 passed on final reading on May 13, 1952, creating D-1 Industrial-Port Use District and an amendment thereto by Ordinance No. 357 passed on final reading February 15, 1955, and Ordinance No. 254 pertaining to new zoning districts passed March 24, 1953, and an Ordinance No. 257 pertaining to Zoning as to Use and Height and Area passed on final reading on April 21, 1953, and all official maps as provided in said ordinances, be and the same are hereby repealed and there is hereby enacted and substituted therefor the following sections designated 1892 through 1919, inclusive, creating a new "Zoning Ordinance" for said City, as follows:

ARTICLE 1. TITLE

This Ordinance shall be known and may be cited as the Zoning Ordinance of the City of Memphis.

ARTICLE 2. DEFINITIONS

SEC. 1892. TITLE. For the purpose of this Ordinance, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "building" shall include the word "structure" and the word "shall" is mandatory and not directory. Any words not herein defined shall be construed as defined in the Building Code, and where definitions in the Building Code are in conflict therewith, the definition herein shall prevail as to the named premises.

SEC. 1893. DEFINITIONS. a. For the purpose of this Ordinance, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "building" shall include the word "structure" and the word "shall" is mandatory and not directory. Any words not herein defined shall be construed as defined in the Building Code, and where definitions in the Building Code are in conflict therewith, the definition herein shall prevail as to the named premises.

2. Alley: A way which affords only a secondary means of access to property abutting thereon.

3. Apartment Hotel: A building designed for or containing both apartments and individual guest rooms or suites of rooms and apartments, which maintains an inner lobby through which all tenants must pass to gain access to their rooms, and which may furnish services ordinarily furnished by hotels, such as drug-stores, barber shops, cigar and news stands, when such uses are located entirely within the building with no entrance from the street nor visible from any sidewalk, and having no sign or display visible from the outside of the building indicating the existence of such use.

4. Apartment House: See dwelling, multiple.

5. Basement: A story having part but not more than one-half (1/2) of its height below grade and used for storage, garages for use of occupants of the building, janitor or watchman quarters, or other utilities common for the rest of the building. A basement used for the above purpose shall not be counted as a story.

6. Boarding House: A building other than a hotel where, for compensation and by arrangement, meals or lodging and meals are provided for five (5) but not more than twenty (20) persons.

7. Building: Any structure designed or built for the support, enclosure, shelter, or protection of persons, animals, chattels or property of any kind.

8. Building, Height of: The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

9. Cellar: That portion of a building between floor and ceiling which is wholly or partly below grade, and having more than one-half (1/2) of its height below grade.

10. Clinic: An establishment where patients are not lodged overnight, but are admitted for examination and treatment by a group of physicians or dentists practicing medicine together.

11. Club, Private: Buildings and facilities owned or operated by a corporation, association, person or persons for a social, educational or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

12. District: Any section of the City of Memphis for which the zoning regulations governing the use of buildings and premises, the height of buildings, the size of yards, and the intensity of use are uniform.

13. Dwelling: Any building or portion thereof which is designed for or used for residential purposes.

14. Dwelling, Single-Family: A building designed for or occupied exclusively by one (1) family.

15. Dwelling, Two-Family: A building designed for or occupied exclusively by two (2) families.

16. Dwelling, Multiple: A building designed for or occupied exclusively by three (3) or more families.

17. Family: One or more persons occupying a dwelling and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house or hotel as herein defined.

18. Filling Stations: Any building, structure, or land used for the dispensing, sale or offering for sale at retail of any automobile fuels, oils or accessories or for the servicing of motor vehicles. When such dispensing, sale or offering for sale is incidental to the conduct of a public garage, the premises are classified as a public garage.

19. Frontage: All the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street, or if the

street is dead ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.

20. Garage, Private: An accessory building designed or used for the storage of not more than three (3) motor-driven vehicles, not more than one <sup>(1)</sup> space of which shall be rented to persons other than occupants of the building to which it is accessory. Not more than one (1) of the vehicles may be a commercial vehicle of not more than two (2) ton capacity.

21. Garage, Public: A building or portion thereof, other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling, storing or parking motor-driven vehicles. The term repairing shall not include an automotive body repair shop nor the rebuilding, dismantling or storage of wrecked or junked vehicles.

22. Garage, Storage: A building or portion thereof designed or used exclusively for term storage by prearrangement of motor-driven vehicles, as distinguished from daily storage furnished transients, and at which motor fuels and oils are not sold, and motor-driven vehicles are not equipped, repaired, hired or sold.

23. Grade: (a) For buildings having walls adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street.

(b) For buildings having walls adjoining more than one street, the average of the elevation of the sidewalk at the centers of all walls adjoining the streets.

(c) For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building.

Any wall approximately parallel to and not more than five (5) feet from a street line is to be considered as adjoining the street. Where no sidewalk exists, the grade shall be established by the City Engineer.

24. Home Occupation: An occupation or activity carried on in a dwelling by the resident thereof as a secondary use in connection with which there is no group instruction, assembly or activity, no sound or odor noticeable beyond said dwelling, no person employed, no advertising sign, no display and no selling of a commodity on the premises and not involving the conduct of a business on the premises.

Home occupation shall also include the use of premises by a physician, surgeon, dentist, lawyer, clergyman or other professional person for consultation or emergency treatment, but not for the general practice of his profession.

25. Hotel: A building in which lodging, or boarding and lodging are provided and offered to the public for compensation, and in which ingress and egress to and from all rooms are made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public in contradistinction to a boarding house, a lodging house, or an apartment which are herein separately defined.

26. Institution: A building occupied by a non-profit corporation or a non-profit establishment for public use.

27. Laundromat: A business that provides home-type washing, drying and/or ironing machines for hire, to be used by customers on the premises.

28. Lodging House: A building other than a hotel where lodging for five (5) but not more than twenty (20) persons is provided for compensation pursuant to previous arrangement and not to anyone who may apply.

29. Lot: A parcel of land occupied or intended for occupancy by a use permitted in this Ordinance, including one (1) main building together with its accessory buildings, the open spaces and parking spaces required by this Ordinance, and having its principal frontage upon a street or upon an officially approved place.

30. Lot, Corner: A lot abutting upon two (2) or more streets at their intersection.

31. Lot, Double Frontage: A lot having a frontage on two (2) non-intersecting streets as distinguished from a corner lot.

32. Lot of Record: A lot which is part of a subdivision, the map of which has been recorded in the office of the County Recorder of Shelby County; or a parcel of land, the deed of which was recorded in the office of the County Recorder of Shelby County.

33. Motor Court or Motel: A building or group of buildings used for the temporary residence of transient motorists or travelers.

34. Nonconforming Use: The use of land or a building or portion thereof, which use does not conform with the use regulations of the district in which it is situated.

35. Nursing Home: A home for the aged, chronically ill or incurable persons except mental or alcoholic patients in which two (2) or more persons are received, kept or provided with food or shelter and care for compensation; but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis, treatment or care of the sick or injured.

36. Parking Space: A surfaced area, enclosed in the main building or in an accessory building, or unenclosed, having an area of not less than one hundred eighty (180) square feet, exclusive of driveways, permanently reserved for the temporary storage of one (1) automobile and connected with a street or alley by a surfaced driveway which affords satisfactory ingress and egress for automobiles.

37. Place: An open unoccupied space or a public thoroughfare other than a street or alley permanently reserved as the principal means of access to abutting property.

38. Rooming House: See Lodging House.

39. Story: That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling next above it.

40. Story, Half: A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four (4) feet above the floor of such story, except that any partial story used for residence purposes, other than for a janitor or caretaker or his family, or by a family occupying the floor immediately below it, shall be deemed a full story.

41. Street: A public thoroughfare which affords the principal means of access to abutting property.

42. Street Line: A dividing line between a lot, tract or parcel of land and a contiguous street.

43. Structure: Anything constructed or erected, the use of which requires more or less permanent location on the ground or attached to something having a permanent location on the ground, including, but without limiting the generality of the foregoing, advertising signs, billboards, back stops for tennis courts and pergolas.

44. Structural Alterations: Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the room or in the exterior walls, excepting such repair or replacement as may be required for the safety of the building.

45. Tourist Home: A building other than a hotel where lodging is provided and offered to the public for compensation for not more than twenty (20) individuals and open to transient guests.

46. Tourist or Trailer Camp: An area where one (1) or more auto trailers can be or are intended to be parked, designed or intended to be used as temporary living facilities of one (1) or more families, and intended primarily for automobile transients.

47. Yard: An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except

as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard, or the depth of the rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

48. Yard, Front: A yard extending across the front of a lot between the side lot lines, and being the minimum horizontal distance between the street or place line and the main building or any projections thereof. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

49. Yard, Rear: A yard extending across the rear of a lot between the side lot lines and being the required minimum horizontal distance between the rear lot line and the rear of the main building or any projections thereof. } On all lots the rear yard shall be in the rear of the front yard. }

50. Yard, Side: A yard between the main building and the side line of the lot, and extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot line and the side of the main buildings or any projections thereto.

Sec. 1894

~~ARTICLE 8.~~ DISTRICTS AND GENERAL REGULATIONS THEREOF

~~SECTION 1.~~ In order to regulate and restrict the location and use of buildings and land for trade, industry, residence and other purposes; to regulate and restrict the height and size of buildings hereafter erected or structurally altered, the size of yards and other open spaces and the density of population, the City of Memphis is hereby divided into districts of which there shall be thirteen (13) in number known as:

"R-1" Single-Family Dwelling District

"R-2" Single-Family Dwelling District

"R-3" Two-Family Dwelling District

"R-4" Multiple Dwelling District

"R-5" Multiple Dwelling District

"C-1" Neighborhood Shopping District

"C-2" Commercial District

"C-3" Commercial District

"C-4" Central Business District

"M-1" Light Industrial District

"M-2" Light Industrial District

"M-3" Heavy Industrial District

"AG" Agricultural District

~~SECTION 2.~~ The boundaries of the districts are shown upon the map which is made a part of this Ordinance, which map is designated as the "District Map." The District Map

and all the notations, references and other information shown thereon are a part of this Ordinance and have the same force and effect as if the District Map and all the notations, references and other information shown thereon were all fully set forth or described therein, the original of which District Map is properly attested and is on file in the office of the City Planning Commission.

~~SECTION 3.~~ All territory which may hereafter be annexed to the City of Memphis shall be in the "R-1" Single-Family Dwelling District.

~~SECTION 4.~~ Whenever any street, alley or other public way is vacated by official action of the Board of Commissioners of the City of Memphis, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation, and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.

~~SECTION 5.~~ All areas within the corporate limits of the City of Memphis which are under water and not shown as included within any district, shall be subject to all of the regulations of the district which immediately adjoins the water area. If the water area adjoins two or more districts, the boundaries of each district shall be construed to extend into the water area in a straight line until they meet the other district.

~~SECTION 02~~ Except as hereinafter provided:

1. No building shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building or land be used except for a purpose permitted in the district in which the building or land is located.
2. No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit herei established for the district in which the building is located.
3. No building shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the area regulations of the district in which the building is located.
4. No building shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the parking and loading regulations of the district in which the building is located. In all cases where the parking and loading regulations require more open space than the yard regulations, the parking and loading regulations shall prevail.
5. The minimum yards and other open spaces, including lot area per family, required by this Ordinance, or for any building hereafter erected, shall not be encroached upon or considered as yard or open space requirements for any other building, nor shall any yard or lot area be reduced beyond the district requirements of this Ordinance.

6. Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one (1) main building on one (1) lot unless otherwise provided in this Ordinance.

*Sec 1895*  
~~ARTICLE 4~~, "R-1" SINGLE-FAMILY DWELLING  
DISTRICT REGULATIONS

~~SECTION 4~~. The regulations set forth in this *Section* ~~Article~~, or set forth elsewhere in this Ordinance, when referred to in this *Section* ~~Article~~, are the district regulations in the "R-1" Single-Family Dwelling District.

~~SECTION 5~~. *a* Use Regulations: A building or premises shall be used only for the following purposes:

1. Single-family dwellings.
2. Parks, playgrounds and community buildings owned or operated by governmental agencies, but not including public swimming pools or golf courses.
3. Public schools, elementary and high, parochial schools, or private schools having a curriculum similar to that ordinarily given in public elementary or public high schools and having no rooms regularly used for housing or sleeping purposes, except staff quarters when located on the premises for the school.
4. Public libraries and museums.
5. Country clubs.

6. Truck gardens and the propagation and cultivation of plants only, when said plants or produce are not offered for sale on the premises.

7. Churches.

8. Accessory buildings, including a private garage, and accessory uses customarily incident to the above uses, but not involving the conduct of a business. Any accessory building that is not a part of the main structure shall be located not less than ten (10) feet from any portion of the main building. Accessory uses shall also include church or public building bulletin boards and temporary signs appertaining to the lease, hire or sale of a building or premises, not exceeding twelve (12) square feet in area.

SECTION 3.6 Parking Regulations: Off-street parking space shall be provided on the same lot as the main building in accordance with the following minimum requirements:

1. Single-Family Dwelling: One (1) parking space, ~~but~~  
~~each parking space shall not be located within the required~~  
~~front yard.~~

2. Churches: One (1) parking space for each five (5) seats provided in the main auditorium.

3. Schools and Public Buildings: One (1) parking space for every ten (10) seats in the auditorium, stadium or similar places of public assembly.

4. Public Libraries and Museums: One (1) parking space for each one hundred (100) square feet of floor space in the library or museum.

5. Country Clubs: One (1) parking space for each five (5) members except that a club with a swimming pool shall provide one (1) parking space for each three (3) members.

~~SECTION 4.~~ <sup>1 ←</sup> SECTION 4. C. Height Regulations: No building shall exceed two and one-half (2-1/2) stories nor shall it exceed thirty-five (35) feet in height, except as hereinafter provided.

~~SECTION 5.~~ <sup>1 ←</sup> SECTION 5. d Area Regulations:

1. Front Yard: (a) There shall be a front yard having a depth of not less than thirty <sup>(30)</sup> ~~(20)~~ feet, except as provided in <sup>Section 1911</sup> ~~Article 20~~ hereof.

(b) On double frontage lots, the required front yard shall be provided on both streets.

(c) Where a lot is located at the intersection of two or more streets, there shall be a front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record at the time of passage of this Ordinance need not be reduced to less than thirty-four (34) feet for single-family dwellings, nor to less than twenty-nine (29) feet for any other building, except where necessary to provide a yard along the street side with a width of not less than five (5) feet. No accessory building shall project beyond the front yard line on either street.

2. Side Yard: Except as provided in ~~Article 20~~ <sup>Section 1911</sup> hereof, there shall be a side yard on each side of a building, having a width of not less than ten (10) feet.

3. Rear Yard: Except as hereinafter provided, there shall be a rear yard having a depth of not less than forty (40) feet or twenty (20) percent of the depth of the lot, whichever amount is smaller, provided that no rear yard shall be less than twenty-five (25) feet in depth.

~~Page 17 - Paragraph 4.~~

4. Lot Area per Family: Every lot or tract of land shall have an area of not less than ten thousand (10,000) square feet and an average width of not less than sixty-five (65) feet, except that if a lot or tract has less area or width than herein required and was recorded under separate ownership from adjoining lots at the time of the effective date of this Ordinance, that lot or tract may be used for any purpose permitted in this district.

~~SECTION 1. "R-2" SINGLE-FAMILY DWELLING DISTRICT REGULATIONS~~

~~SECTION 1.~~ The regulations set forth in this ~~Article~~ <sup>Section</sup>, or set forth elsewhere in this Ordinance when referred to in this ~~Article~~ <sup>Section</sup>, are the district regulations in the "R-2" Single-Family Dwelling District.

~~SECTION 2.~~ Use Regulations: The use regulations are the same as those in the "R-1" Single-Family Dwelling District.

~~SECTION 3.~~ Parking Regulations: The parking regulations are the same as those in the "R-1" Single-Family Dwelling District.

~~SECTION 4.~~ <sup>c</sup> Height Regulations: No building shall exceed two and one-half (2-1/2) stories nor shall it exceed thirty-five (35) feet in height, except as hereinafter provided.

~~SECTION 5.~~ <sup>d</sup> Area Regulations:

1. Front Yard: The front yard regulations are the same as those in the "R-1" Single-Family Dwelling District.

2. Side Yard: Except as provided in ~~Article 20~~ <sup>Section 1911</sup> hereof, there shall be a side yard on each side of a building, having a width of not less than five (5) feet.

3. Rear Yard: Except as hereinafter provided, there shall be a rear yard having a depth of not less than thirty (30) feet or twenty (20) percent of the depth of the lot, whichever amount is smaller, provided that no rear yard shall be less than twenty-five (25) feet in depth.

4. ~~Lot Area per Family:~~ Every lot or tract of land shall have an area of not less than six thousand (6,000) square feet and average width of not less than fifty (50) feet except that if a lot has less area or width than herein required and was recorded under separate ownership from adjoining lots at the time of the effective date of this Ordinance, that lot or tract may be occupied by a use permitted in this district.

~~ARTICLE 4. "R-3" TWO-FAMILY DWELLING DISTRICT REGULATIONS~~

~~SECTION 1.~~ <sup>Section</sup> The regulations set forth in this ~~Article~~ <sup>Article</sup> or set forth elsewhere in this Ordinance when referred to in this ~~Article~~ <sup>Section</sup>, are the district regulations in the "R-3" Two-Family Dwelling District.

~~SECTION 2.~~<sup>a</sup> Use Regulations: A building or premises shall be used only for the following purposes:

1. Any use permitted in the "R-1" Single-Family Dwelling District.

2. Two-family dwellings.

~~SECTION 3.~~<sup>b</sup> Parking Regulations: The parking regulations for uses permitted in the "R-1" Single-Family Dwelling District shall apply to such uses when located in the "R-3" Two-Family Dwelling District, except that two-family dwellings shall provide two (2) parking spaces but such parking spaces shall not be located within the required front yard.

~~SECTION 4.~~<sup>c</sup> Height Regulations: No building shall exceed two and one-half (2-1/2) stories nor shall it exceed thirty-five (35) feet in height except as hereinafter provided.

~~SECTION 5.~~<sup>d</sup> Area Regulations:

1. Front Yard: The front yard regulations are the same as those in the "R-1" Single-Family Dwelling District.

2. Side Yard: Except as provided in ~~Article 20~~<sup>Section 1911</sup> hereof, there shall be a side yard on each side of a building, having a width of not less than five (5) feet.

3. Rear Yard: Except as hereinafter provided, there shall be a rear yard having a depth of not less than twenty-five (25) feet.

4. Lot Area Per Family: (a) A lot occupied by a single-family dwelling shall contain a lot area of not less than five thousand (5,000) square feet.

(b) A lot occupied by a two-family dwelling shall contain a lot area of not less than twenty-five hundred (2,500) square feet per family.

(c) Where a lot contains less than five thousand (5,000) <sup>FIVE THOUSAND (5000)</sup> square feet and was recorded under separate ownership from adjoining lots at the effective date of this Ordinance, that lot may be used only for one (1) single-family dwelling.

ARTICLE 10. MULTIPLE DWELLING DISTRICT REGULATIONS.

SECTION 1. The regulations set forth in this Article or set forth elsewhere in this Ordinance when referred to in this Article are the district regulations of the "R-4" Multiple Dwelling District.

~~SECTION 2.~~ <sup>a</sup> Use Regulations: A building or premises shall be used only for the following purposes:

1. Any use permitted in the "R-3" Two-Family Dwelling District.
2. Multiple dwellings.
3. Rooming and boarding houses.
4. Institutions of a religious, educational, eleemosynary or philanthropic nature, but not penal or mental institutions.
5. Nursing home
6. Hospitals, except criminal, mental or animal hospitals.

7. Fraternities, sororities, private clubs and lodges, excepting those the chief activity of which is a service customarily carried on as a business.

8. Home occupations.

9. Shop for beauty parlor operation and the office or studio of a professional person including but not limited to a physician, surgeon, dentist, artist, musician, lawyer, architect or teacher in his place of abode, provided that not more than the equivalent of one-third (1/3) of the area of such place of abode shall be used for such purposes; provided, further, that no person other than a member of the family occupying the living unit shall be employed in such shop or office.

10. Accessory buildings and uses customarily incidental to any of the above uses, including storage garages, where the lot is occupied by a multiple dwelling, hotel, rooming house, hospital or institutional building. Any storage garage or accessory building that is not a part of the main building shall be located not less than ten (10) feet from the main building.

~~SECTION 3.~~ Parking Regulations: The parking regulations for uses permitted in the "R-3" Two-Family Dwelling District shall apply to such uses when located in the "R-4" Multiple Dwelling District with the following additional regulations.

1. Rooming or Boarding House: One (1) parking space for every two (2) guest rooms.
  2. Hospital, Institution or Nursing Home: Two (2) parking spaces for each three (3) beds.
  3. Club, Fraternity or Sorority: One (1) parking space for each five (5) members except that a club with a swimming pool shall provide one (1) parking space for each three (3) members.
  4. Multiple Dwelling: One (1) parking space for each dwelling unit.
  5. Shop for Beauty Parlor Operation or Office or Studio of a Professional Person: Parking space equal to twice that area within the structure which is devoted to such shop, office, or studio, but in no instance less than two (2) parking spaces.
- ~~SECTION 4.~~ Height Regulations: No building shall exceed three (3) stories nor shall it exceed forty-five (45) feet in height, at the required front, side and rear yard lines, but above the height permitted at said yard lines, one (1) foot may be added to the height of the building for each one (1) foot that the building or portion thereof is set back from the required yard lines, provided, however, that in no instance shall a building exceed eight (8) stories nor shall it exceed one hundred (100) feet in height.

**SECTION 5. Area Regulations:**

**1. Front Yard:** The front yard regulations for buildings not exceeding three (3) stories or forty-five (45) feet in height are the same as those in the "R-1" Single-Family Dwelling District.

**1. Front Yard:** The front yard regulations for buildings not exceeding three (3) stories or forty-five (45) feet in height are the same as those in the "R-1" Single-Family Dwelling District.

**2. Side Yard:** (a) The side yard regulations for buildings not exceeding two and one-half (2-1/2) stories or thirty-five (35) feet in height are the same as those in the "R-3" Two-Family Dwelling District.

(b) All other buildings shall have side yards of not less than ten (10) feet.

**3. Rear Yard:** Except as hereinafter provided, there shall be a rear yard having a depth of not less than twenty-five (25) feet for buildings not exceeding three (3) stories or forty-five (45) feet in height.

**3. Rear Yard:** The rear yard regulations for buildings not exceeding three (3) stories or forty-five (45) feet in height are the same as those in the "R-3" Two-Family Dwelling District.

**4. Lot Area Per Family:** (a) A lot occupied by a single-family dwelling shall contain a lot area of not less than five thousand (5,000) square feet.

(b) A lot occupied by a two-family dwelling shall contain a lot area of not less than twenty five hundred (2500) square feet per family.

(c) A lot on which there is erected a multiple dwelling, (1500) square feet per family, except that this regulation shall contain an area of not less than fifteen hundred (1500) square feet per family, except that this regulation shall not apply to dormitories, fraternities or sororities.

tories, fraternities or sororities.

- (c) Where a lot has less area than herein required,
- (d) Where a lot has less than five thousand (5,000) square feet and was recorded under separate ownership from adjoining lots at the time of the effective date of this Ordinance, that lot may be used for single-family dwelling purposes or for any other of the non-dwelling uses permitted in this Section.

**SECTION 1899. "R-5" MULTIPLE DWELLING DISTRICT REGULATIONS:** The regulations set forth in this Section or set forth elsewhere in this Ordinance when referred to in this Section, are the district regulations of the "R-5" Multiple Dwelling District.

**SECTION 2. Use Regulations:** A building or premises shall

a. **Use Regulations:** A building or premises shall be used only for the following purposes:

- 1. Any use permitted in the "R-4" Multiple Dwelling District.
- 2. Apartment Hotel.

b. **Parking Regulations:** The parking regulations are the same as those in the "R-4" Multiple Dwelling District, except that apartment hotels shall provide three (3) parking spaces for each four (4) guest rooms or dwelling units.

c. **Height Regulations:** No building shall exceed ten (10) stories nor shall it exceed one hundred twenty-five (125) feet in height, but whenever any building in the "R-5" Multiple Dwelling District abuts a more restricted dwelling district it shall not exceed three (3) stories nor shall it

exceed forty-five (45) feet in height unless it is set back one (1) foot from the required side and rear yard lines for each foot of additional height above three (3) stories or forty-five (45) feet.

14. Front Yard Regulations: Front yard regulations are the same as in the Front Yard. The front yard regulations are the same as those in the "R-1" Single-Family Dwelling District.  
Side Yard: (a) The side yard regulations for buildings permitted in the "R-3" Two-Family Dwelling District and not exceeding three (3) stories or forty-five (45) feet in height, shall apply to such buildings when located in the "R-5" Multiple Dwelling District.  
(b) All other buildings not exceeding three (3) stories or forty-five (45) feet in height shall have side yards of not less than ten (10) feet.

(c) For buildings exceeding three (3) stories in height the side yards shall be increased in width two (2) inches for each additional foot of height above the third story.  
Rear Yard: (a) Except as hereinafter provided, there shall be a rear yard having a depth of not less than twenty-five (25) feet for buildings not exceeding three (3) stories or forty-five (45) feet in height; each additional foot of height above the third story.  
(b) For buildings exceeding three (3) stories in height the rear yard shall be increased in depth two (2) inches for each additional foot of height above the third story.

Lot Area Per Family: (a) Where the building contains more than two (2) families, the lot area shall be the same as in the Single-Family Dwelling District.

4. Lot Area Per Family: (a) A lot occupied by a single-family dwelling shall contain a lot area of not less than five thousand (5,000) square feet.

(b) A lot occupied by a two-family dwelling shall contain a lot area of not less than twenty five hundred (2500) square feet per family.

(c) A lot on which there is erected a multiple dwelling shall contain an area of not less than seven hundred fifty (750) square feet per family, except that this regulation shall not apply to dormitories, fraternal societies or apartment hotels.

(d) Where a lot has less than five thousand (5,000) square feet and was recorded under separate ownership from adjoining lots at the time of the effective date of this Ordinance, that lot may be used for single-family dwelling purposes or for any other of the non-dwelling uses permitted in this Section.

The regulations set forth in this section or set forth elsewhere in this Ordinance shall not apply to the regulations in the North Neighborhood Shopping District.

SECTION 2. Use Regulations: A building or premises

a. Use Regulations: A building or premises shall be used only for the following purposes:

- 1. Any use permitted in the "R-4" Multiple Dwelling District.

2. Theatre, except open-air, drive-in theatre; provided, however, that no theatre shall be erected or reconstructed unless there is provided on the same lot, or within three hundred (300) feet thereof and within this district, a space for off-street parking which contains an area adequate to accommodate one (1) automobile for every five (5) seats in the theatre.

3. Bank.

4. Bakery employing not more than five (5) persons and when products are sold only at retail on the premises.

5. Barber shop, beauty parlor, chiropody, massage or similar personal service shop.

6. Bicycle sales and repair shop.

7. Business or commercial schools or dancing or music academies.

8. Catering and delicatessen business.

9. Custom dressmaking, millinery, tailoring, or similar retail trade, employing not more than five (5) persons on the premises.

10. Filling station.

11. Garage, storage.

12. Laundromats.

13. Locksmith shop.

14. Medical and dental clinic.

15. Messenger and telegraph service station.

16. Offices
17. Parking space and lots for the parking of automobiles.
18. Photographer's studio.
19. Private schools including nursery, pre-kindergarten, kindergarten, play and special schools.
20. Receiving and delivery store for wet, dry or steam cleaning, which shall be done elsewhere.
21. Restaurant.
22. Shoe repairing shop, employing not more than five (5) persons.
23. Shop for the repair of electrical and radio equipment and other similar commodities, employing not more than five (5) persons on the premises, and not involving the conduct of any manufacturing on the premises.
24. Store or shop for the conduct of retail business.
25. Accessory buildings and uses customarily incident to the above listed uses, including advertising signs and billboards, provided they are erected flat against a wall of a building or within eighteen (18) inches thereof; provided further, however, that signs not exceeding thirty-five (35) square feet in area may be constructed without reference to the above limitations.

Any building used primarily for any of the above enumerated purposes may have not more than twenty-five (25) percent of the floor area devoted to storage purposes incidental to such primary use.

~~SECTION 9.~~<sup>6</sup> Parking and Loading Regulations:

1. The parking regulations for uses permitted in the "R-4" Multiple Dwelling District shall apply to those same uses when located in the "C-1" Neighborhood Shopping District.

2. Business uses permitted in this district shall provide parking spaces in the ratio of not less than one (1) parking space for each two hundred (200) square feet of floor space in the building which is used for commercial purposes, except that any recreation or amusement building or any restaurant or establishment whose primary use is to serve meals, lunches or drinks to patrons, either in their cars or in the building, shall provide parking space on the lot in the ratio of not less than one (1) parking space for each one hundred (100) square feet of floor space in the building. Such parking space may be located on the same lot as the building, or on an area within this district and within three hundred (300) feet of the building and such parking space may be located within the required front yard. Two or more owners of buildings may join together in providing this parking space.

3. Business uses permitted in this district shall provide one (1) space, with minimum dimensions of ten (10) by fifty (50) feet, for the loading or unloading of trucks, either within the building or upon the lot for every building

containing ten thousand (10,000) square feet or less. One (1) additional loading space shall be provided for each additional ten thousand (10,000) square feet of gross floor area or fraction thereof.

C. Height Regulations: No building shall exceed two and one-half (2-1/2) stories nor shall it exceed thirty-five (35) feet in height except as hereinafter provided.

D. Area Regulations:

1. Front Yard: The front yard requirements are the same as those in the "R-1" Single-Family District.

2. Side Yard: The side yard regulations for buildings permitted in the "R-4" Multiple Dwelling District shall apply to such buildings when located in the "C-1" Neighborhood Shopping District. When a lot is used for any of the commercial purposes permitted in this district, a side yard is not required except on the side of a lot adjoining a dwelling district, in which case there shall be a side yard of not less than five (5) feet.

3. Rear Yard: Except as hereinafter provided, dwellings shall provide a rear yard having a depth of not less than twenty-five (25) feet. In all other cases there shall be a rear yard of not less than fifteen (15) feet in depth.

4. Lot Area Per Family: (a) A lot occupied by a single-family dwelling shall contain a lot area of not less than five thousand (5,000) square feet.

(b) A lot occupied by a two-family dwelling shall contain a lot area of not less than twenty five hundred (2500) square feet per family.

(c) A lot on which there is erected a multiple dwelling or a lot on which living facilities are erected above other uses, shall contain an area of not less than fifteen hundred (1500) square feet per family, except that <sup>the</sup> regulation shall not apply to ~~apartments~~, fraternities or societies.

other uses, the lot area per family regulations are the same as those required in the "R-4" Multiple Dwelling District.

*Sec 1901*  
~~ARTICLE 10.~~ "C-2" COMMERCIAL DISTRICT REGULATIONS

~~SECTION 1.~~ The regulations set forth in this <sup>Section</sup> ~~Article~~ or set forth elsewhere in this Ordinance when referred to in this <sup>Section</sup> ~~Article~~, are the regulations in the "C-2" <sup>Commercial</sup> ~~Business~~ District.

<sup>a</sup>  
~~SECTION 2.~~ Use Regulations: A building or premises shall be used only for the following purposes:

1. Any use permitted in the "C-1" Neighborhood Shopping District.
2. Advertising signs and billboards.
3. Amusement places, except open-air drive-in theatres.
4. Bakery employing not more than ten (10) persons and when products are sold only at retail on the premises.
5. Custom dressmaking, millinery, tailoring, or similar retail trade employing not more than ten (10) persons on the premises.
6. Dyeing and cleaning works employing not more than ten (10) persons on the premises (exclusive of owners or drivers or employees who spend the greater part of their time outside rather than on the premises) and using a non-explosive cleaning fluid.

7. Garage, public, except that the portion of such building which is used for repairing or servicing shall occupy not more than fifty (50) percent of the total floor area, and no part of the premises shall be used as an automotive body repair shop.

8. Hospitals or clinics for animals, but no open kennels shall be maintained on the premises.

9. Hotel or apartment hotel.

10. Laundries employing not more than ten (10) persons on the premises, (exclusive of owners or drivers or employees who spend the greater part of their time outside rather than on the premises).

11. Motels or motor courts.

12. Plumbing shop employing not more than ten (10) persons on the premises and provided all materials are stored and all shop work is done in the main building.

13. Printing shop employing not more than ten (10) persons on the premises.

14. Shoe repairing shop, employing not more than ten (10) persons on the premises.

15. Shop for the repair of electrical and radio equipment and other similar commodities, employing not more than ten (10) persons on the premises.

16. Tinsmithing shop employing not more than ten (10) persons on the premises provided all materials are stored and all shop work is done in the main building.

17. Undertaking establishment; provided, however, that no undertaking establishment shall be erected or reconstructed unless there is provided on the same lot, or within three hundred (300) feet thereof within this district, a space for off-street parking which contains an area adequate to accommodate one (1) car for every ten seats in the chapel or parlor.

18. Used car sales lots.

19. Radio or television broadcasting stations, studios and offices.

20. Milk distributing station, but not involving any bottling on the premises.

21. General service and repair establishments similar in character to those enumerated in this <sup>Section</sup> ~~Article~~ but employing not more than ten (10) persons on the premises.

22. Processing and manufacturing establishments that are not objectionable because of smoke, odor, dust or noise, but only when such processing and manufacturing is incidental to a retail business conducted on the premises, and where not more than ten (10) persons are employed on the premises in the processing or manufacturing activities.

23. Tourist homes.

24. Display room for merchandise to be sold at wholesale where merchandise sold is stored elsewhere.

25. Usual accessory buildings and uses.

~~SECTION 3.~~ Parking and Loading Regulations:

1. The parking regulations for uses permitted in the "R-5" Multiple Dwelling District shall apply to such uses when located in the "C-2" Commercial District with the following additional regulations.

2. Hotels shall provide three (3) parking spaces for each four (4) guest rooms.

3. Motor courts and motels shall provide one (1) parking space for each guest room.

4. The parking regulations for business uses permitted in this district are the same as those in the "C-1" Neighborhood Shopping District.

5. Business uses permitted in this district shall provide one (1) space, with minimum dimensions of ten (10) by fifty (50) feet, for the loading or unloading of trucks, either within the building or upon the lot for every building containing ten thousand (10,000) square feet or less. One (1) additional loading space shall be provided for each additional ten thousand (10,000) square feet of gross floor area or fraction thereof.

~~SECTION 4.~~ Height Regulations: No building shall exceed three (3) stories nor shall it exceed fifty (50) feet in height, except as hereinafter provided.

*d.*  
Area Regulations:

1. Front Yard: The front yard requirements are the same as those in the "R-1" Single-Family Dwelling District.

2. Side Yard: The side yard regulations for buildings permitted in the "R-4" Multiple Dwelling District shall apply to such buildings when located in the "C-2" Commercial District. In all other cases a side yard is not required except on the side of a lot abutting a dwelling district, in which case there shall be a side yard of not less than five (5) feet.

3. Rear Yard: Except as hereinafter provided, dwellings shall provide a rear yard having a depth of not less than twenty-five (25) feet. In all other cases there shall be a rear yard of not less than fifteen (15) feet in depth.

4. Lot Area Per Family: (a) A lot occupied by a single-family dwelling shall contain a lot area of not less than five thousand (5,000) square feet.

(b) A lot occupied by a two-family dwelling shall contain a lot area of not less than twenty five hundred (2500) square feet per family.

(c) A lot on which there is erected a multiple dwelling or a lot on which living facilities are erected above other uses, shall contain an area of not less than fifteen hundred (1500) square feet per family, except that <sup>THIS</sup> the regulation shall not apply to dormitories, fraternities or sororities.

SECTION 1902. "C-3" COMMERCIAL DISTRICT REGULATIONS. The regulations set forth in this Section or set forth elsewhere in this Ordinance when referred to in this Section are the district regulations of the "C-3" Commercial District.

A. Use Regulations: The use regulations are the same as those in the "C-3" Commercial District.

<sup>b.</sup>  
B. Parking and Loading Regulations: The parking and loading regulations are the same as those in the "C-2" Commercial District.

<sup>c.</sup>  
C. Height Regulations: No building shall exceed ten (10) stories nor shall it exceed one hundred twenty-five (125) feet in height, but whenever any building in the "C-3" Commercial District abuts a dwelling district to the rear it shall not exceed three (3) stories nor shall it exceed forty-five (45) feet in height unless it is set back one (1) foot from the required rear yard line for each two (2) feet of additional height above forty-five (45) feet and provided further whenever any building in the "C-3" Commercial District abuts the side of a dwelling district it shall not exceed three (3) stories nor shall it exceed forty-five (45) feet in height unless it is set back one (1) foot from the required side yard line for each two (2) feet of additional height above forty-five (45) feet.

<sup>d.</sup>  
D. Area Regulations:

1. Front Yard: The front yard requirements are the same as those in the "R-1" Single-Family Dwelling District.

2. Side Yard: The side yard regulations for buildings permitted in the "R-5" Multiple Dwelling District shall apply to such buildings when located in the "C-3" Commercial District. In all other cases a side yard is not required except on the side of a lot abutting a dwelling district, in which case there shall be a side yard of not less than five (5) feet.

3. Rear Yard: Except as hereinafter provided, <sup>dwellings</sup> ~~buildings~~ shall provide a rear yard having a depth of not less than twenty-five (25) feet. In all other cases there shall be a rear yard of not less than fifteen (15) feet in depth.

4. Lot Area Per Family: (a) A lot occupied by a single-family dwelling shall contain a lot area of not less than five thousand (5,000) square feet.

(b) A lot occupied by a two-family dwelling shall contain a lot area of not less than twenty five hundred (2500) square feet per family.

(c) A lot on which there is erected a multiple dwelling or a lot on which living facilities are erected above other uses, shall contain an area of not less than seven hundred fifty (750) square feet per family, except that this regulation shall not apply to dormitories, fraternities, sororities or apartment hotels.

SECTION 1903. "C-4" CENTRAL BUSINESS DISTRICT REGULATIONS. The regulations set forth in this Section or set forth elsewhere in this Ordinance when referred to in this Section, are the district regulations of the "C-4" Central Business District.

<sup>a.</sup>  
K. Use Regulations: A building or premises may be used for any purpose except the following prohibited uses:

1. Abattoir and slaughter house (except for poultry killing or dressing incidental to a retail store) or stockyards.
2. Acetylene gas manufacture or storage.
3. Acid manufacture.
4. Ammonia, bleaching powder or chlorine manufacture.
5. Asphalt manufacture or refining preparation.
6. Auto wrecking or salvage or automotive body repair shop except where the premises upon which such activities are conducted are wholly enclosed within a building.
7. Blast furnaces.
8. Boiler works.
9. Brick, tile, pottery or terra cotta manufacture other than the manufacture of handcraft products only.
10. Bus or motor freight terminals.
11. Coal tar manufacture or tar distillation, except as by-products of public utility gas manufacture or mineral dye manufacture.

12. Cement, lime, gypsum or plaster of paris manufacture.
13. Cotton gin.
14. Creosote manufacture or treatment.
15. Crematory.
16. Distillation of bones, coal or wood.
17. Disinfectant manufacturing.
18. Explosives or fireworks manufacture or storage.
19. Fat rendering.
20. Fertilizer manufacture.
21. Fish smoking or curing.
22. Garbage, offal or dead animals reduction or dumping.
23. Gas manufacture or storage.
24. Glue, size or gelatin manufacture.
25. Incineration, reduction or dumping of offal, dead animals, garbage or refuse on a commercial basis, or loading and transfer platforms therefor, except where operated by or under contract with the municipality; and except for the purification of factory wastes.
26. Iron, steel, brass or copper foundry.
27. Junk, iron or rags storage or baling, except where the premises upon which such activities are conducted are wholly enclosed within a building.
28. Oilcloth or linoleum manufacture.
29. Oiled cloth or oiled clothing manufacture or the impregnation of any fabrics by oxidizing oils, window shade or patent leather manufacture.

30. Ore reduction.
31. Paint, oil, shellac, turpentine or varnish manufacture.
32. Petroleum refining or wholesale storage of.
33. Pyroxlin manufacturing.
34. Rolling mill.
35. Rubber or gutta percha manufacture or treatment.
36. Sauerkraut manufacture.
37. Smelting of tin, copper, zinc or iron ores.
38. Ship yard.
39. Smelter.
40. Soap manufacture.
41. Tanning, curing or storage of raw hides or skins.
42. Tallow, grease or lard manufacturing or refining from animal fat.
43. Tar distillation or manufacture.
44. Yeast plant.
45. And in general those uses which may be obnoxious or offensive by reason of emission of odor, dust, smoke, gas or noise; provided, however, that laundries, creameries, and other uses requiring large amounts of water shall obtain a written statement from the Commissioner of Public Works certifying that the existing sanitary sewers are adequate to accommodate the proposed use, before a permit is granted.

~~SECTION 3~~ Parking and Loading Regulations:

1. The parking regulations for uses permitted in the "R-5" Multiple Dwelling District shall apply to such uses when located in the "C-4" Central Business District.

2. Business or industrial uses permitted in this district shall provide one (1) space, with minimum dimensions of ten (10) by fifty (50) feet, for the loading or unloading of trucks, either within the building or upon the lot for every twenty thousand (20,000) square feet, or fraction thereof, of floor area within the structure.

~~SECTION 4~~ Height Limits: No building hereafter erected or structurally altered shall exceed the cubical contents of a prism having a base equal to the area of the lot and having a height two (2) times the width of the street on which the lot abuts; provided, however, that a tower with a base not exceeding twenty-five (25) percent of the lot area may be constructed without reference to the above limitations.

If the lot abuts on two (2) streets of unequal width, then, for the purpose of calculating the cubical contents, the wider of the two streets shall control for a distance of two hundred (200) feet measured at right angles back from such wider street, provided that such two hundred (200) feet shall be within the "C-4" Central Business District.

A.  
B. Area Regulations:

1. Front Yard: No front yard is required for any building in the "C-4" Central Business District.

2. Side Yard: The side yard regulations for buildings permitted in the "R-5" Multiple Dwelling District shall apply to such buildings when located in the "C-4" Central Business District. In all other cases a side yard is not required.

3. Rear Yard: (a) Except as hereinafter provided, there shall be a rear yard having a depth of not less than twenty-five (25) feet for dwellings not exceeding three (3) stories or forty-five (45) feet in height.

(b) For dwellings exceeding three (3) stories in height the rear yard shall be increased in depth two (2) inches for each additional foot of height above the third story.

(c) In all other cases a lot must abut upon a street or alley or upon a passageway as required by the Building Department which would connect the rear exit of a building with a public street or alley.

4. Lot Area Per Family: (a) A lot occupied by a single-family dwelling shall contain a lot area of not less than five thousand (5,000) square feet.

(b) A lot occupied by a two-family dwelling shall contain a lot area of not less than twenty-five hundred (2500) square feet per family.

(c) A lot on which there is erected a multiple dwelling or a lot on which living facilities are erected above other uses, shall contain an area of not less than seven hundred fifty (750) square feet per family, except that this regulation shall not apply to dormitories, fraternities, sororities or apartment hotels.

**SECTION 1904. "M-1" LIGHT INDUSTRIAL DISTRICT REGULATIONS.** The regulations set forth in this section or set forth elsewhere in this Ordinance when referred to in this section, are the district regulations in the "M-1" Light Industrial District.

A.  
1. Use Regulations: The use regulations are the same as those in the "C-4" Central Business District; provided, however, that no building shall be erected, reconstructed or structurally altered for residential purposes except for resident watchmen and caretakers employed on the premises.

<sup>b</sup>  
B. <sup>1</sup> Parking and Loading Regulations: (d) The parking regulations for uses permitted in the "C-2" Business District shall apply to such uses when located in the "M-1" Light Industrial District. Whenever any building is erected or converted for industrial uses, parking space shall be provided on the lot or in a building on the lot, adequate to accommodate one (1) car for every two (2) employees of the working shift having the greatest number of employees, as well as the trucks and other vehicles owned by or in the custody of the industry.

<sup>2</sup>  
(y) Any building hereafter erected or converted for any of the industrial uses permitted in this district shall provide one (1) space, with minimum dimensions of ten (10) by fifty (50) feet for the loading or unloading of trucks, either within the building or upon the lot for every building containing twenty thousand (20,000) square feet or fraction thereof. One (1) additional loading space shall be provided for each additional twenty thousand (20,000) square feet of gross floor area or fraction thereof.

<sup>c</sup>  
C. Height Regulations: No building shall exceed three (3) stories nor shall it exceed forty-five (45) feet in height, at the required front, side and rear yard lines, but above the height permitted at said yard lines, one (1) foot may be added to the height of the building for each one (1) foot that the building or portion thereof is set back from the required yard lines, provided, however, that in no instance shall a building exceed eight (8) stories nor shall it exceed one hundred (100) feet in height.

<sup>d</sup>  
D. Area Regulations:

1. Front Yard: The front yard regulations are the same as those in the "R-1" Single-Family Dwelling District.

2. Side Yard: A side yard is not required except on the side of a lot adjoining a dwelling district, in which case there shall be a side yard of not less than five (5) feet.

3. Rear Yard: There shall be a rear yard of not less than fifteen (15) feet in depth.

<sup>Sec 905</sup>  
~~ARTICLE 14.~~ "M-2" LIGHT INDUSTRIAL

SECTION 4. Height Regulations: No building shall exceed three (3) stories nor shall it exceed forty-five (45) feet in height, at the required front, side and rear yard lines, but above the height permitted at said yard lines, one (1) foot may be added to the height of the building for each one (1) foot that the building or portion thereof is set back from the required yard lines, provided, however, that in no instance shall a building exceed eight (8) stories nor shall it exceed one hundred (100) feet in height.

SECTION 5. Area Regulations:

1. Front Yard: The front yard regulations are the same as those in the "R-1" Single-Family Dwelling District.

"M-2" Light Industrial District abuts upon a dwelling district, it shall not exceed three (3) stories nor shall it exceed forty-five (45) feet in height unless it is set back one (1) foot from all required yard lines for each foot of additional height above forty-five (45) feet.

~~SECTION 5.~~ <sup>4</sup> Area Regulations:

1. Front Yard: The front yard regulations are the same as those in the "R-1" Single-Family Dwelling District.

2. Side Yard: A side yard is not required except on the side of a lot adjoining a dwelling district, in which case there shall be a side yard of not less than five (5) feet.

3. Rear Yard: There shall be a rear yard of not less than fifteen (15) feet in depth.

~~Section Sec 1906~~  
~~ARTICLE 15.~~ "M-3" HEAVY INDUSTRIAL DISTRICT REGULATIONS

~~SECTION 1.~~ The regulations set forth in this ~~Article~~,  
or set forth elsewhere in this Ordinance when referred to  
in this ~~Article~~, <sup>Section</sup> are the district regulations in the "M-3"  
Heavy Industrial District.

~~SECTION 2.~~ <sup>2</sup> Use Regulations: Any building or premises may be used for any purpose not in conflict with any ordinance of the City of Memphis regulating nuisances; provided, however, that no building shall be erected, reconstructed, or structurally altered for residential purposes, except for resident watchmen and caretakers employed on the premises; and provided further that no building or occupancy permit shall be issued for any of the following uses until and unless the location of such use shall have been approved by the Board of Commissioners after report by the City Planning Commission in accordance with the procedure set forth in ~~Article 18~~ <sup>Section 1909</sup> hereof.

1. Acid manufacture.
2. Bus and motor freight terminals.
3. Cement, lime, gypsum, or plaster of paris manufacture.
4. Distillation of bones and glue manufacture.
5. Explosives manufacture or storage.
6. Fat rendering and fertilizer manufacture.
7. Garbage, offal, or dead animals, reduction or dumping.
8. Petroleum, ~~condensates~~, refining of.
9. Smelting of tin, copper, zinc or iron ores.
10. Stockyards or slaughter of animals.

~~SECTION 3.~~ <sup>b</sup> Parking and Loading Regulations: The parking and loading regulations are the same as those in the "M-1" Light Industrial District.

~~SECTION 4.~~ <sup>c</sup> Height Regulations: No building shall exceed eight (8) stories nor shall it exceed one hundred (100) feet in height, but whenever any building in the "M-3" Industrial District adjoins or abuts upon a dwelling district, it shall not exceed three (3) stories nor forty-five (45) feet in height, unless it is set back one (1) foot from all required yard lines for each foot of additional height above forty-five (45) feet.

~~SECTION 5.~~ <sup>d</sup> Area Regulations:

1. Front Yard: The front yard regulations are the same as those in the "R-1" Single-Family Dwelling District.

2. Side Yard: A side yard is not required except on the side of a lot adjoining a dwelling district, in which case there shall be a side yard of not less than five (5) feet.

3. Rear Yard: There shall be a rear yard of not less than fifteen (15) feet in depth.

~~ARTICLE 16.~~ <sup>Sec. 1907</sup> "AG" AGRICULTURAL DISTRICT REGULATIONS

~~SECTION 1.~~ The regulations set forth in this ~~Article~~, <sup>Section</sup> or set forth elsewhere in this Ordinance when referred to in this ~~Article~~, <sup>Section</sup> are the regulations in the "AG" Agricultural District.

~~SECTION 2.~~ Use Regulations: A building or premises shall be used only for the following purposes:

1. Any use permitted in the "R-3" Two-Family District.
2. Farms for the growing of the usual farm products such as vegetables, fruit, trees and grain, and their storage on the area, as well as for the raising thereon of the usual farm poultry and farm animals, such as horses, cattle, sheep and swine. The term "farming" includes the operating of such an area for one or more of the above uses, including dairy farms with the necessary accessory uses for treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal farming activities, and provided further, that farming shall not include the extraction of minerals.

3. Roadside stands offering for sale only farm products produced on the premises.

4. Hospitals and institutions of an educational, religious, charitable, or philanthropic nature, provided, however, that such buildings shall not be located upon sites containing an area of less than five (5) acres, shall occupy not over ten (10) percent of the total area of the lot, that the buildings shall be set back from all yard lines a distance of not less than two (2) feet for each foot of building height.

5. Riding stables and the keeping of small animals, provided, however, that buildings housing animals be at least one hundred (100) feet from all property lines and that the lot have an area of not less than ten (10) acres.

6. Radio and television studios or transmitting stations.

7. Bulletin boards and signs not exceeding twelve (12) square feet in area, pertaining to the lease, hire or sale of a building or premises, the name of the occupant of the premises or the sale of products grown upon the premises.

~~SECTION 6~~ Parking Regulations: The parking regulations for uses permitted in the "R-3" Two-Family Dwelling District shall apply to such uses when located in the "AG" Agricultural District with the following additional regulations:

1. Hospital and Institution. Two (2) spaces for each three (3) beds.

~~SECTION 4.~~ <sup>c</sup> Height Regulations: No building shall exceed two and one-half (2 1/2) stories nor shall it exceed thirty-five (35) feet in height, except as hereinafter provided.

~~SECTION 5.~~ <sup>d</sup> Area Regulations: The yard regulations are the same as those in the "R-1" Single-Family District.

~~SECTION 6.~~ <sup>e</sup> Lot Area Per Family: Except as otherwise provided in this Ordinance, every lot on which a dwelling is erected shall have an area of not less than one (1) acre. Where a lot has less area than herein required and was of record at the time of the effective date of this Ordinance, that lot may be used for any of the purposes permitted in this <sup>Section</sup> ~~Article.~~

~~ARTICLE 17.~~ <sup>Sec. 1908</sup> NON-CONFORMING USES

~~SECTION 1.~~ <sup>a</sup> Non-Conforming Uses of Land: The non-conforming use of land for storage purposes existing at the time of enactment of this Ordinance may be continued for a period of not more than two (2) years thereafter, provided that no such non-conforming use of land shall in any way be expanded or extended either on the same or adjoining property. If such non-conforming use of land or any portion thereof is discontinued or changed, any future use of such land shall be in conformity with the provisions of this Ordinance.

The non-conforming use of land for advertising signs and billboards in dwelling and agricultural districts existing at the time of enactment of this Ordinance may be continued for a period of not more than three (3) years thereafter, and advertising signs and billboards which become non-conforming by reason of a subsequent change in this Ordinance shall also be discontinued within three (3) years from the date of the change.

~~SECTION 2.~~ 6 Non-Conforming Buildings:

1. Continuation of Existing Uses: The lawful use of a building existing at the effective date of this Ordinance may be continued although such use does not conform to the provisions hereof. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or of a more restricted classification. Whenever a non-conforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use. The non-conforming use of a building may be hereafter extended throughout those parts of a building which were manifestly arranged or designed for such use at the time of the enactment of this Ordinance.

2. Non-Conforming Use Created by Changes in Ordinance: Whenever the use of a building becomes a non-conforming use through a change in the zoning ordinance or district boundaries,

such use may be continued and if no structural alterations are made, it may be changed to another non-conforming use of the same or of a more restricted classification.

~~SECTION 3.~~ <sup>c</sup> Discontinuance of Non-Conforming Buildings and Uses: No building or portion thereof used in whole or in part for non-conforming purposes according to the provisions of this Ordinance, which hereafter becomes and remains vacant for a continuous period of one (1) calendar year, shall again be used except in conformity with the regulations of the district in which such building or land is situated.

~~SECTION 4.~~ <sup>d</sup> Damaged Non-Conforming Buildings: No building which has been damaged by fire, explosions, act of God or the public enemy to the extent of more than seventy-five (75) percent of the fair market value of the building immediately prior to damage, shall be restored except in conformity with the regulations in this Ordinance. If a building is damaged by less than seventy-five (75) percent of the fair market value, it may be repaired or reconstructed and used as before the time of damage, provided that such repairs or reconstruction be done within twelve (12) months of the date of such damage and do not result in enlargement of the building.

~~SECTION 5.~~ <sup>e</sup> A non-conforming structure erected, converted or structurally altered in violation of the ordinance which this Ordinance amends shall not be validated by the adoption

of this Ordinance, and such violations or any violations of the Ordinance may be ordered removed or corrected by the Commissioner of Public Service at any time.

*Sec 1909*  
~~ARTICLE 18.~~ ADDITIONAL USE REGULATIONS'

~~SECTION 1.~~ The Board of Commissioners of the City of Memphis may, by special permit and subject to such protective restrictions that are deemed necessary, authorize the location, extension or structural alteration of any of the following buildings or uses, or an increase in their height, in any district from which these are prohibited or limited by this Ordinance.

1. Any public building owned or operated by a governmental agency.
2. Private schools and colleges, including nursery, pre-kindergarten, kindergarten, play and special schools.
3. Hospitals, clinics and institutions, except institutions *alcoholics, drug addicts and mental cases;* for criminals, provided, however, that such buildings may occupy not over fifty (50) percent of the total area of the lot or tract and will not have any serious and depreciating effect upon the value of the surrounding property; and provided further that the buildings shall be set back from all yard lines heretofore established, an additional distance of not less than one (1) foot for every foot of building height, and that adequate off-street parking space will be provided.

4. Airport, landing field, or landing strip for aircraft, including heliports.

5. Animal cemeteries.

6. Bus and motor freight terminals.

7. Commercial greenhouses, provided that any such structure shall not be less than one hundred (100) feet from all property lines.

8. Dormitories for students.

9. Nursery and truck gardens.

10. Roadside stands, commercial amusement or recreational development for temporary or seasonal periods.

11. Extraction of sand, gravel, topsoil and other natural resources.

12. Radio or television broadcasting tower and station.

13. Swimming Pool or golf course.

b. Before issuance of any special permit for any of the above buildings or uses, the following conditions shall be complied with:

1. A public hearing in relation thereto shall be held before the City Planning Commission; notice and publication of which hearing shall conform to the procedure prescribed in ~~Article 24~~ <sup>Sec 1918</sup> for hearings on changes and amendments.

2. The City Planning Commission shall study and report <sup>their</sup> ~~to~~ <sup>recommendations</sup> to the Board of Commissioners regarding the effect of such proposed building or use upon the character of the neighborhood and upon traffic conditions, public utility facilities, and other matters pertaining to the public safety or general welfare. No action shall be taken upon any application for a proposed building or use above referred to until and unless the report <sup>and recommendations</sup> of the City Planning Commission <sup>HAVE</sup> ~~has~~ been filed and reviewed by the Board of Commissioners, but such report shall be made within thirty (30) days after the date of the public hearing.

<sup>Sec. 1910</sup>  
~~ARTICLE 19.~~ AIRPORT GLIDE AND TURNING ZONES

~~SECTION 1.~~ <sup>Section</sup> The regulations hereinafter set forth in this ~~article~~ apply to property located within the Airport Glide and Turning Zones as shown on the District Map which is a part of this Ordinance. Such regulations qualify or supplement, as the case may be, the district regulations appearing elsewhere in this Ordinance.

~~SECTION 9.~~<sup>a</sup> Airport Glide Zone:

1. Use Regulations: A building or premises may be used for any of the purposes permitted by the use regulations of the district in which the property is located except the following:

- (a) Places of public assemblage.
- (b) Multiple dwellings.
- (c) Hospitals.
- (d) Nursing or convalescent homes.
- (e) Institutions of a religious, educational, eleemosynary, philanthropic, penal or correctional nature.
- (f) Hotels.
- (g) Radio or television transmitting stations.
- (h) Theatres.
- (i) Schools.

2. Height Regulations: No building or structure hereafter erected or structurally altered and no object of natural growth shall exceed a height above the following slope lines running outwardly from the end of each runway; beginning at the end of the airport landing runways as they now exist or as may be hereafter extended, thence horizontal for a distance of one thousand (1000) feet beyond the end of said runways, thence upward by a slope line rising one (1) foot for every fifty (50) feet of horizontal distance, to a point which is seven thousand (7000) feet beyond the end of such runways; thus horizontal to the farthest point of the Airport Glide Zone beyond the end of such runways. In no event shall

such building or structure or object of natural growth exceed a height of thirty-five (35) feet nor shall it exceed two and one-half (2-1/2) stories. No building, structure or object of natural growth shall be so located as to obstruct the vision of any present or proposed airport light as shown on the master plan of such airport, from any ~~airport~~ attempt-  
*aircraft*  
ing to land at such airport.

~~SECTION 8.~~ SECTION 8. b Airport Turning Zone:

1. Use Regulations: A building or premises may be used for any of the purposes permitted by the Use Regulations of the district in which the property is located, except the following:

- (a) Radio or television transmitting stations.
- (b) Multiple dwellings.

2. Height Regulations: No building or structure hereafter erected or structurally altered and no object of natural growth shall exceed a height of thirty-five (35) feet, nor shall it exceed two and one-half (2-1/2) stories provided, however, that no building, structure or object of natural growth in the "C-2" Commercial District, the "M-1" and "M-2" Light Industrial Districts and the "M-3" Heavy Industrial District shall exceed a height of forty-five (45) feet nor shall it exceed three (3) stories. In no case shall any building, structure or object of natural growth exceed an elevation of four hundred (400) feet, based on the Mean Sea Level Datum obtained from the Memphis Corinth Line furnished by the United States Coast and Geodetic Survey in 1941.

*Sec. 1911*  
~~ARTICLE 20.~~ EXCEPTIONS AND MODIFICATIONS

~~SECTION 1.~~ The regulations hereinafter set forth in this ~~Article~~ <sup>Section</sup> qualify or supplement, as the case may be, the district regulations appearing elsewhere in this Ordinance.

~~SECTION 2.~~ Height Limitations:

1. Unless otherwise provided the height limitations of this Ordinance shall not apply except in the Airport Glide and Turning Zones to:

- (a) Church spires
- (b) Belfries
- (c) Monuments
- (d) Tanks
- (e) Water towers
- (f) Fire towers
- (g) Stage towers or scenery lofts
- (h) Cooling towers
- (i) Ornamental towers and spires
- (j) Radio and television towers, antennae or aerials
- (k) Chimneys
- (l) Elevator bulkheads
- (m) Smokestacks
- (n) Oil derricks
- (o) Conveyors
- (p) Flag poles
- (q) Silos

2. Except in the Airport Glide and Turning Zones, public, semi-public or public service buildings, hospitals, institutions or schools, when permitted in a district and in which height limits of less than sixty (60) feet are imposed, may be erected to a height not exceeding sixty (60) feet, and churches may be erected to a height not exceeding seventy-five (75) feet when the required side and rear yards are each increased by at least one (1) foot for each one (1) foot of additional building height above the height limit otherwise provided in the district in which the building is located.

3. Buildings that are to be used for storage purposes only may exceed the maximum number of stories that are permitted in the district in which they are located, but such buildings shall not exceed the number of feet of building height permitted in such district.

~~SECTION 3.~~ <sup>1</sup> Yard Regulations:

1. Where dwelling units are erected above commercial and industrial structures in commercial and industrial districts, no side yards are required except such side yard as may be required in the district regulations for a commercial or industrial building on the side of a lot adjoining a dwelling district. Where a side yard is provided, but not required, such yard shall be not less than five (5) feet in width.

2. More than one (1) main commercial or industrial building may be located upon a lot or tract, but only when such buildings conform to all open space requirements around the lot for the district in which the lot or tract is located.

3. In the event that a lot is to be occupied by a group of two or more related buildings to be used for institutional or hotel purposes there may be more than one (1) main building on the lot; provided, however, that open space between buildings that are parallel or within forty-five (45) degrees of being parallel, shall have a minimum dimension of twenty (20) feet for one-story buildings, thirty (30) feet for two-story buildings, and forty (40) feet for three story buildings.

4. When an open space is more than fifty (50) percent surrounded by a building, the minimum width of the open space shall be at least twenty (20) feet for one-story buildings, thirty (30) feet for two-story buildings and forty (40) feet for three story buildings.

5. For the purpose of the side yard regulations, a two-family dwelling, or a multiple dwelling shall be considered as one (1) building, occupying one (1) lot.

6. Within any multiple dwelling district, the least dimensions of a yard upon which the principal entrances or exits of a multiple dwelling faces shall be twenty (20) feet.

7. In any residence district no fence, structure or planting shall be maintained within twenty (20) feet of any corner street lot line intersection.

8. Every part of a required yard shall be open to the sky, except where accessory buildings are permitted in a rear or side yard and except for the ordinary projections of sills, belt courses, eaves, cornices and ornamental features projecting not to exceed eighteen (18) inches. It is further provided that parking spaces may be provided in the required side and rear yards of any district, but shall not be permitted within the required minimum front yards of any residential districts.

9. A porte-cochere or canopy may project into a required side yard, provided every part of such porte-cochere or canopy is unenclosed and (except for the ordinary projection of sills, belt courses, eaves, cornices and ornamental features projecting not to exceed eighteen (18) inches) is removed at least five (5) feet from the nearest side lot line.

10. An open unenclosed porch or balcony or paved terrace may project into a required front or rear yard for a distance not exceeding ten (10) feet.

11. Open or lattice-enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers and the ordinary projections of chimneys and flues into the rear yard may be permitted by the Commissioner of Public Service for a distance of not more than five (5) feet but only where the same are so placed as not to obstruct light and ventilation.

12. The front yards heretofore established shall be adjusted in the following cases:

(a) Where forty (40) percent or more of the front-  
age on one side of a street between two <sup>streets</sup> ~~intersecting streets~~ <sup>there with</sup>  
is developed with buildings that have observed (with a variation of five (5) feet or less) a front yard greater in depth than herein required, new buildings shall not be erected closer to the street than the front yard so established by the existing buildings.

(b) Where forty (40) percent or more of the front-  
age on one side of a street between <sup>two streets</sup> ~~intersecting streets~~ is  
developed with buildings that have not observed a front yard  
as described above, then:

(1) Where a building is to be erected on a parcel of land that is within one hundred (100) feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the two closest front corners of the adjacent buildings on the two sides, or:

(2) Where a building is to be erected on a parcel of land that is within one hundred (100) feet of an existing building on one side only, such building may be erected as close to the street as the existing adjacent building.

13. Filling station pumps and pump islands may occupy the required yards; provided, however, that they are not less than fifteen (15) feet from street lines.

14. One directional, or name sign or sign advertising products sold on the premises may occupy required yards in a district where such sign is permitted by the use regulations of this Ordinance, provided such sign is not more than thirty-five (35) square feet in area and, in the "C-1" Neighborhood Shopping District, does not contain flashing, intermittent or moving illumination.

~~SECTION 4.~~ Exceptions and Modifications to Use Regulations:

1. Existing railroads and utilities may continue to be operated and maintained in dwelling and commercial districts, but no new, or additions to, railroads or utility structures other than the usual poles, wires and underground utilities shall be established in such districts, except when so authorized by the Board of Adjustment.

2. Temporary buildings that are used in conjunction with construction work only may be permitted in any district during the period that the construction work is in progress, but such temporary buildings shall be removed upon completion of the construction work.

~~3. In any business or industrial district, the required off-street parking facilities may be located on another lot or tract, but within five hundred (500) feet thereof and adequate assurances must be furnished the Commissioner of Public Service that such area will continue to be available for parking use.~~

~~SECTION 5.0~~ Regulations of Accessory Buildings:

1. Any accessory building that is not a part of the main building shall be located not less than sixty (60) feet from the front lot line.

2. Accessory buildings may be built in required rear yards but such accessory buildings shall not occupy more than forty (40) percent of the required rear yard. No accessory building shall, however, be nearer than five (5) feet to any lot line.

3. Accessory buildings erected in a required rear yard shall not exceed twenty (20) feet in height.

~~SECTION 6.0~~ Community Unit Plan: An authorized agency of the Municipal, County, State or Federal government, or the owner or owners of any tract of land comprising an area

of not less than ten (10) acres may submit to the Board of Commissioners of the City of Memphis a plan for the use and development of all of the tract of land for residential and allied purposes. The development plan shall be referred to the City Planning Commission for study and report and for public hearings. Notice and publication of such public hearings shall conform to the procedures prescribed in <sup>Sec 1918</sup> ~~Article 97~~ for hearings on Changes and Amendments. If the Commission approves the plans, these shall then be submitted to the Board of Commissioners for consideration and action. The approval and recommendations of the Planning Commission shall be accompanied by a report stating the reasons for approval of the application and specific evidence and facts showing that the proposed community unit plan meets with the following conditions:

1. The property adjacent to the area included in the plan will not be adversely affected.
2. The plan is consistent with the intent and purposes of this Ordinance to promote public health, safety, morals and general welfare.
3. That the buildings shall be used only for single-family dwellings, two-family dwellings or multiple dwellings and the usual accessory uses such as private or storage garages, storage space and for community activities, including churches.

4. That the average lot area per family contained in the site, exclusive of the area occupied by streets, will not be less than the lot area per family required in the district in which the development is located.

If the Board of Commissioners approves the plans, building permits and certificates of occupancy may be issued even though the use of land and the location and height of buildings to be erected in the area, and the yards and open space contemplated by the plan do not conform in all respects to the district regulations of the district in which it is located.

<sup>Sec 1912</sup>  
~~ARTICLE 01.~~ BOARD OF ADJUSTMENT

a. Organization: A Board of Adjustment is hereby established to consist of seven (7) members, to be appointed by the Mayor and Board of Commissioners all of whom shall serve without pay, and all members shall be appointed for terms of three (3) years each. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant by the Mayor and said Board of Commissioners. Upon appointment, and annually thereafter, the Board shall meet and organize and shall elect its own chairman, who shall serve for one (1) year, or until his successor duly qualifies. The Mayor shall appoint a secretary for the Board, who shall hold office during the will and pleasure of the Mayor, and shall receive such compensation from the city as may be fixed, from time to time, by the Board of Commissioners of the city.

The organization of the now existing Board of Adjustment is hereby ratified and approved, and all official acts, determinations, findings and resolutions passed since the Board's creation are hereby recognized, ratified, confirmed and approved.

In case of the absence of any member of the Board of Adjustment from any meeting or the failure of any member to serve at any meeting or in any capacity in which he is required by law to serve, whether on account of illness, incapacity, absence from the city or unwillingness to serve or other cause, the Mayor may appoint some person possessing the qualifications required of regular members as a special member to act in the stead of such regular member. Such appointment shall be in writing and shall be copied on the minutes of the Board of Adjustment. The period for which such special appointment is made shall be stated in the written appointment but may be indefinite, pending the happening of some event.

~~SECTION 2.~~<sup>b</sup> Meetings: The Board of Adjustment shall adopt rules for the transaction of its business and the regulation of procedure before it.

Meetings of the Board shall be held at such times and at such places within the city as the Board may designate, but the Board shall meet at least once a month and meetings may be held at any time at the call of the chairman. The

chairman of the Board, or, in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

~~Four~~ <sup>(4)</sup>  
~~Five~~ <sup>(5)</sup> members of the Board shall constitute a quorum and such quorum may consist wholly or in part of special members.

The concurring vote of ~~Five~~ <sup>(4)</sup> ~~(5)~~ members of the Board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official or to decide in favor of the applicant on any matter on which it is required to pass under this Ordinance or to effect any variation in such Ordinance.

The chief building inspector or one of his deputies or assistants shall, when requested so to do by the Chairman of the Board, attend such meetings of the Board and shall bring with him all plans, specifications, plats and papers relating to any case before the Board of determination.

~~SECTION 3.~~ Appeals may be taken to and before the Board of Adjustment by any person aggrieved, or by any officer, department, board or bureau of the city. Such appeal shall be taken within such time as shall be prescribed by the Board of Adjustment by general rule, by filing with the officer from whom the appeal is taken and with the Board, a notice of appeal and specifying the grounds thereof. The office or department from which the appeal is taken shall forthwith transmit to the Board of Adjustment all of the papers constituting the record upon which the action appealed from was taken.

An appeal shall stay all proceedings in furtherance of the action appealed from unless the Commissioner of Public Service shall certify to the Board of Adjustment after the notice of appeal shall have been filed with it, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record, after notice to the officer from whom the appeal is taken and on due cause shown.

The Board shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and give due notice thereof to the parties, and decide the same within a

reasonable time. Upon the hearing, any party may appeal in person or agent or by attorney. The Board may reverse or affirm, wholly or partly or may modify the order, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises, and to that end, shall have all powers of the officer or department from whom the appeal is taken.

~~SECTION 4.~~<sup>d</sup> The Board of Adjustment shall have the following powers and it shall be its duty:

1. To hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by an administrative official in the enforcement of this Ordinance.

2. In hearing and deciding appeals, the Board shall have the power to grant an exception in the following instances:

(a) Permit the extension of a district for a distance of not more than twenty-five (25) feet where the boundary line of a district divides a lot or tract held in a single ownership at the time of the passage of this Ordinance.

(b) Interpret the provisions of this Ordinance in such a way as to carry out the intent and purpose of the plan, as shown upon the maps fixing the several districts, accompanying and made a part of this Ordinance, where the street layout actually on the ground varies from the street layout as shown on the map aforesaid.

(c) Permit the erection, reconstruction or structural alteration of a building for residential purposes in the "M-1" and "M-2" Light Industrial Districts.

(d) Permit the erection and use of a building or the use of premises for railroads or public utility purposes.

(e) Permit the ~~restriction~~<sup>reconstruction</sup> of a non-conforming building which has been damaged by explosion, fire, act of God, or the public enemy, to the extent of more than seventy-five (75) percent of its fair market value, where the Board finds some compelling necessity requiring a continuance of the non-conforming use and the primary purpose of continuing the non-conforming use is not to continue a monopoly.

(f) Waive or reduce the parking and loading requirements in any of the districts whenever the character or use of the building is such as to make unnecessary the full provision of parking or loading facilities, or where such regulations would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or a convenience.

(g) Permit land within three hundred (300) feet of a multiple dwelling to be ~~improved~~<sup>improved</sup> for the parking spaces required in connection with a multiple dwelling, but only when there is positive assurance that such land will be used for such purpose during the existence of the multiple dwelling.

(h) Permit land within five hundred (500) feet of an industrial building to be used for the parking space required in connection with an industrial building provided such land shall be located in an industrial district and, provided further, there is positive assurance that such land will be used for such purpose during the existence of the industrial building.

(i) To permit parking lots on land not more than three hundred (300) feet from the boundary of any shopping, business or industrial district, under such conditions as will protect the character of surrounding property.

(j) To permit drive-in theatres in the "C-2" Business District

<sup>(M)</sup>  
~~(M)~~ To determine whether an industry should be permitted within the "M-1" and "M-2" Light Industrial Districts and the "M-3" Heavy Industrial District because of the methods by which it would be operated, and because of its effect upon uses within surrounding zoning districts.

<sup>(M)</sup>  
~~(M)~~ To determine whether a use permitted in the "C-4" Central Business District should be permitted in the "C-2" or "C-3" Commercial District which, because of its limited nature, modern devices or building design, will be no more objectionable than the uses specifically permitted in such districts.

3. The Board shall have the authority to grant the following variations:

(a) Permit a variation in the yard requirements of any district where there are unusual and practical difficulties or unnecessary hardships in the carrying out of these provisions due to an irregular shape of the lot, topographical or other conditions, provided such variation will not seriously affect any adjoining property or the general welfare.

(b) Authorize upon appeal, whenever a property owner can show that a strict application of the terms of this Ordinance relating to the use, construction or alterations of buildings or structures or the use of land will impose upon him unusual and practical difficulties or particular hardships, such variations of the strict application of the terms

of this Ordinance as are in harmony with its general purpose and intent, but only when the Board is satisfied that a granting of such variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a variation from the comprehensive plan as established by this Ordinance, and at the same time, the surrounding property will be properly protected.

In considering all appeals and all proposed exceptions or variations to this Ordinance, the Board shall, before making any exceptions or variations from the Ordinance in a specific case, first determine that it will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the City of Memphis.

~~SECTION 5.~~<sup>c</sup> A fee of Fifteen Dollars (\$15.00) shall be paid to the Board of Adjustment at the time the notice of appeal to the Board is filed, which the Board shall forthwith pay over to the Department of Finance to the credit of the general revenue fund of the City of Memphis.

*Sec. 1913*  
~~ARTICLE 22.~~ OCCUPANCY CERTIFICATES

~~SECTION 1.~~<sup>a</sup> Certificate of Occupancy: It shall be unlawful for an owner to use or permit the use of any building or premises or part thereof, hereafter created, changed, converted or enlarged, wholly or partly, until a certificate of occupancy, which shall be a part of the building permit, shall have been issued by the Commissioner of Public Service. Such certificate shall show that such building or premises or part thereof and the proposed use thereof are in conformity with the provisions of this Ordinance. It shall be the duty of the Commissioner of Public Service to issue a certificate of occupancy, provided he is satisfied that the building and the proposed use thereof conform with all the requirements herein set forth. No permit for excavation or construction shall be issued by the Commissioner before he is satisfied that the plans, specifications and intended use conform to the provisions of this Ordinance.

~~SECTION 2.~~<sup>b</sup> Temporary Certification of Occupancy: Under such rules and regulations as may be established by the Commissioner of Public Service, a temporary certificate of occupancy for a part of a building may be issued.

~~SECTION 3.~~<sup>c</sup> Certificate for Existing Building: Upon written request from the owner, the Commissioner of Public Service shall issue a certificate of occupancy for any building

or premises existing at the time of enactment of this Ordinance, certifying, after inspection, the extent and kind of use made of the building or premises, and whether such use conforms with the provisions of this Ordinance.

~~SECTION 4.~~ A record of all certificates of occupancy shall be kept on file in the office of the Commissioner of Public Service and copies shall be furnished on request to any person having a proprietary or tenancy interest in land or in a building affected by such certificate of occupancy.

~~ARTICLE 23. PLANS~~

Sec 1914 PLANS To Be Submitted

~~SECTION 4. Plans to be Submitted:~~ All applications for building permits as requested by the Building Code, shall be accompanied by plans in duplicate, drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the exact size and location on the lot of any existing buildings and accessory buildings, and the lines within which the building or structure shall be altered or erected, the existing and intended use of each building or part of a building, the number of families or housekeeping units the building is designed to accommodate and such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this Ordinance. One copy of such plans shall be returned to the owner when such plans shall have been approved by the Commissioner of Public Service.

~~SECTION 2.~~<sup>b</sup> Dimensions: All dimensions shown on these plans relating to the location and size of the lot to be built upon shall be based on an actual survey and the lot shall be staked out on the ground before construction is started.

*See 1915*  
~~ARTICLE 24.~~ BOUNDARIES OF DISTRICTS

~~SECTION 1.~~<sup>a</sup> Rules Where Uncertainty May Arise: Where uncertainty exists with respect to the boundaries of the various districts as shown on the map accompanying and made a part of this Ordinance, the following rules apply:

1. The district boundaries are either streets or alleys unless otherwise shown, and where the districts designated on the map accompanying and made a part of this Ordinance are bounded approximately by street or alley lines, the street or alley shall be construed to be the boundary of the district.

2. Where the district boundaries are not otherwise shown, and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines, and where the districts designated on the map accompanying and made a part of this Ordinance are bounded approximately by lot lines, the lot lines shall be construed to be the boundary of the districts unless the boundaries are otherwise indicated on the map.

3. In any unsubdivided property, the district boundary lines on the District Map accompanying and made a part of this Ordinance shall be determined by use of the scale appearing on the map.

4.

*From page 59 Insert on Page 75*

4. Where property on one side of the street between *two streets* intersecting ~~streets~~ *newly* is in C-1, C-2, or C-3 Commercial Districts or M-1, M-2, or M-3 Industrial Districts and the property on an intersecting street is in a dwelling district, except the corner, the boundary ~~line~~ between the districts shall be the rear line of the corner lot having frontage ~~making~~ on the street which is in the commercial or industrial district. Any property in the rear thereof, having frontage on the street side which is wholly or in part in a dwelling district shall be governed by the dwelling district regulations.

and shall not be intended by this Ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon height of buildings, or requires larger open spaces or larger lot areas than are imposed or required by such other ordinances or agreements, the provisions of this Ordinance shall control.

*Sec 1917*  
~~ARTICLE 26.~~ ENFORCEMENT

~~SECTION 1.~~ It shall be the duty of the Commissioner of Public Service to enforce this Ordinance. It shall also be the duty of all officers and employees of the city and especially of all members of the Police Department to assist the Commissioner of Public Service by reporting to him upon new construction, reconstruction or land uses, or upon seeming violations.

Appeal from the decision of the Commissioner of Public Service may be made to the Board of Adjustment as provided in ~~Article 21.~~ *Sec 1918*

~~SECTION 2.~~<sup>b</sup> Nothing herein contained shall require any change in the plans <sup>of</sup> construction, size or designated use of the building, structure or part thereof, for which a building permit has been granted, or for which plans were on file with the Commissioner of Public Service before the enactment or amendment of this Ordinance by the Board of Commissioners and the construction of which from such plans shall have been started within 90 days of the date of the enactment of this Ordinance. If any of the above requirements shall not have been fulfilled within the time stated above, or if building operations are discontinued for a period of 90 days, any further construction shall be in conformity with the provisions of this Ordinance.

*Sec 1918*  
~~ARTICLE 27.~~ CHANGES AND AMENDMENTS.

~~SECTION 1.~~ a Requirements for Change: Whenever the public necessity, convenience, general welfare, or good zoning practice justifies such action, and after consideration by the City Planning Commission, the Board of Commissioners may, by ordinance, change the regulations set forth in this Ordinance and may change the zoning districts as established on the District Map.

~~SECTION 2.~~ b Application for or Initiation of Change: A proposed change of district or of text may be initiated by the City Planning Commission, the Board of Commissioners, or by an application of one or more owners of property within the area proposed to be changed.

~~SECTION 3.~~ c Petition and Hearing by City Planning Commission: A petition and accompanying map, drawn to scale, showing the property for which a change in zoning is requested and all lots within five hundred (500) feet thereof, with dimensions of each lot and the name and mailing address of the owner of record being part of every application for changes in district lines, shall be circulated by the appellant in the vicinity of the lot for which a change of zoning is requested and shall be checked by the Planning Director as to validity of signatures. Obtaining the signatures of adjacent property owners shall be merely indicative of their feeling in the matter and shall not be binding on the Commission in any way.

If there appears to be a doubt that all affected owners were canvassed with the petition or if opposition to the change has been expressed by affected owners, then the Commission may hold a public hearing on the request after notifying all affected owners who had not signed the petition, a week in advance of the date set for the hearing.

The same procedure, rules and regulations shall apply in the case of property owners protesting a change of zoning, except that the reasons for such protest shall be clearly stated on the petition prior to its circulation.

~~SECTION 4.~~<sup>d</sup> Decision by Planning Commission and Board of Commissioners: The City Planning Commission may recom-

*Said* the Commission may recommend that a change of zoning be made other than that requested in the application and petition. This recommendation shall be forwarded to the Board of Commissioners within ten (10) days after the date of the decision of the City Planning Commission, provided all of the conditions embodied in such decision have been fulfilled, after which a public hearing shall be held.

~~SECTION 5.~~<sup>e</sup> Before any action is taken upon any application as provided in this ~~Article~~<sup>Section</sup>, either by the City Planning Commission or the Board of Commissioners, the applicant shall

deposit with the City Planning Commission the sum of Twenty-five Dollars (\$25.00) to cover the approximate cost of the procedure and the Commission shall then deposit this amount with the Department of Finance where it shall be credited to the General Revenue Fund of the City of Memphis. The failure of either the City Planning Commission or the Board of Commissioners to approve the change shall not be construed as any reason for refunding the deposit to the applicant.

~~SECTION 6.~~ Amendment of the District Map: Not less than once a year all district changes recommended by the City Planning Commission and established by Ordinance of the Board of Commissioners shall be incorporated into a revision of the District Map, ~~and established by Ordinance which required notice and public hearing.~~

<sup>Sec 1919</sup>  
~~ARTICLE 20.~~ VIOLATION AND PENALTY

~~SECTION 1.~~ Any person, firm or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined ~~not less than Ten Dollars (\$10.00)~~ not more than Fifty Dollars (\$50.00). Each day's continuance of a violation shall be considered a separate offense. The owner of any buildings or premises or part thereof, where anything in violation of this Ordinance shall be placed, or shall

exist, and any person who may have knowingly assisted in the commission of any such violation, shall be guilty of a separate offense."

SECTION 2. BE IT FURTHER ORDAINED that if any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

SECTION 3. BE IT FURTHER ORDAINED that the provisions of any ordinance or regulations or parts thereof in conflict herewith are hereby repealed.

SECTION 4. BE IT FURTHER ORDAINED that this Ordinance shall become effective from and after its passage, the matter being one of urgency and necessity and the public welfare requiring it.

THE FOREGOING  
ORDINANCE PASSED

1st. Read <sup>MAY</sup> 3 1955

2nd. Read MAY 10 1955

3rd. Read <sup>May 31, 1957</sup>

APPROVED;

*Frank J. Kelly*  
Mayor

ATTEST;

*Ann Campbell*